

## What FCAATSI fought for

The early years of the Federal Council were characterised by frantic efforts by individuals and affiliated groups to obtain social justice for Aborigines. One of the social injustices which received considerable attention was the question of social service benefits. Shirley Andrews, who was Hon. Secretary to CAR(V), masterfully coordinated this fight on behalf of the Federal Council.

At the time that Federal Council was formed in 1958, the only social services for which Aborigines were eligible on the same basis as other persons were child endowment, unemployment and sickness benefits. "Nomadic" Aborigines were not eligible for any benefits whatsoever.

Section 137A of the *Social Services Act 1947-1959* read as follows:

An aboriginal native of Australia who follows a mode of life that is, in the opinion of the Director-General, nomadic or primitive is not entitled to a pension, allowance, endowment or benefit under this Act.

What an outcry there would have been if "an aboriginal native of Australia" had been replaced by "a person". It could then have read:

A person who follows a mode of life that is, in the opinion of the Director-General, wandering or old fashioned is not entitled . . . etc.

This would have been regarded as either crass impudence or

stupidity by white Australians. Not only was this section of the Act discriminatory but technically it was superfluous. It was ridiculous to legislate against anyone who was geographically situated where he or she was completely beyond the reach of social service benefits.

This section was not deleted from the Social Services Act until late in the year 1966. At that time, no Aborigines were even theoretically entitled to age, invalid or widow's pensions or for the maternity allowance. When one says that in the year 1958 Aborigines were "eligible" for child endowment, unemployment and sickness benefits on the same basis as other persons, this did not happen in practice. Even in "enlightened" Victoria, child endowment was paid in a lump sum to the manager of Lake Tyers government-run station who bought goods with it at the "request" of the mother. Unemployment and sickness benefits were never paid in full in the north of Australia, because these benefits exceeded the wages of Aborigines. The economy could not tolerate such a state of affairs — and in fact did not.

In 1959 the Social Services Act was amended to extend the theoretical eligibility of Aborigines to all the social services benefits except the tuberculosis allowance (dealt with later in this chapter) and repatriation benefits. The new amendments were proclaimed on 30 September 1959 and the amendments operated from February 1960.

In 1960 Shirley Andrews wrote an article for *The Beacon* published by the Unitarian Church of Melbourne entitled "Social Service Benefits Still Denied to Aborigines". This article was reprinted and distributed widely by the Federal Council. It is reproduced in Appendix 3 in full because it gives an accurate account of the situation regarding social service benefits for Aborigines in 1960.

The question of social service entitlements interested FCAA right from its inception, and affiliates were continuously battling on behalf of individuals who were denied their rights in these matters.

At the 1963 Conference it was decided to print a leaflet



setting out the rights of Aborigines regarding social services. This was published as *A Yinjilli Leaflet* by FCAA and it was written and edited by Shirley Andrews and Rodney Hall. This small four-page leaflet was widely distributed to Aborigines throughout Australia, including those on missions and settlements. It should have been the duty of governments at that time to do just this.

In 1963, I was visiting a non-Aboriginal friend who was an in-patient of the thoracic Annexe of the Cairns Base Hospital. This friend was receiving treatment for tuberculosis. In an adjacent bed was an Aborigine who had been hospitalised for the same complaint. Conversation revealed that the non-Aborigine was receiving a special tuberculosis allowance, whilst the Aborigine was not receiving this special social service benefit.

Part of Section 9 of the Tuberculosis Act 1948 reads:

1. Subject to the next sub-section, allowances shall be payable to or in respect of sufferers from tuberculosis and their dependants for the purpose of —
  - (a) encouraging such sufferers to refrain from working and to undergo treatment;
  - (b) minimising the spread of tuberculosis; and
  - (c) promoting the treatment, after-care and rehabilitation of sufferers from tuberculosis.

I contacted CAR(V) as one of the FCAA affiliates in Victoria regarding this anomaly. Research revealed that discrimination did in fact exist and this was written into the *Tuberculosis Act 1948*.

The Commonwealth Department of Health issued a booklet entitled *Scheme of Tuberculosis Allowances* on 27 April 1961. It stated the conditions (determined by Section 9 of the Tuberculosis Act) for payment of the tuberculosis allowances. The relevant Sections 52 and 53 of these determinations read as follows:

### Eligibility for Allowance

52. Subject to paragraphs 51 and 53, tuberculosis allowance is payable to an eligible applicant, irrespective of nationality or racial origin. In particular it is payable to

- (a) Australian citizens;
- (b) assisted migrants;
- (c) unassisted migrants;
- (d) Aborigines and people of mixed blood who prior to their illness supported themselves and their dependants (if any) from their earnings.

### Exclusion from Tuberculosis Allowance

53. Except to the extent decided by the Director-General of Health in an unusual individual case, tuberculosis allowance is not payable to —

- (e) inmates of goals, mental institutions, or institutions which are benevolent asylums for the purposes of the Social Services Act;
- (f) Aborigines and people of mixed blood who, prior to their illness, did not support themselves and their dependants (if any) from their earnings.

These determinations were a summarised and euphemistic version of a lengthier instruction in the operating manual entitled *Instructions, Pensions and Associated Payments* issued by the Department of Social Services. This instruction read as follows:

The tuberculosis allowance is not payable to . . . aboriginal natives of Australia whatever their caste or whether they are under the control of the appropriate authorities and otherwise if —

- 1. they are unable to manage money or likely to waste it
- 2. they cannot be said to have reached an appropriate degree of social development in such things as character, intelligence, living conditions, needs, past earnings and discharge of family responsibilities, etc.

This is in no sense a reflection upon the class intended to be covered. It merely recognises the fact that their backgrounds, training and experience is not such as to enable them to manage



their own financial affairs. The provision of free treatment, care and maintenance is the appropriate course in these cases. Should any individual case arise in which some relaxation in the principle set out in sub para (1) of this instruction is considered desirable, the papers should be referable to the Director-General to obtain a ruling from the Director-General of health. It must be noted that this instruction applies to all aboriginal natives whether they are full, part or lesser caste. The fact that an aboriginal native is in possession of a certificate of exemption does not necessarily qualify him for payment of tuberculosis allowance.

The climate of thought in Australia amongst ordinary people, politicians, state governors, medical practitioners, and members of the National Tuberculosis Advisory Council (with the exception of Dr E.W. Abrahams) was such that this legislation was not immediately and intuitively recognised as blatant discrimination. If the offending instruction under the Tuberculosis Act had read "this allowance is not payable to British (or Jewish or Catholic) people who prior to their illness did not support themselves and their dependants (if any) from their earnings", it would immediately have been recognised as discriminatory and would never have been contemplated, let alone have reached the printed page.

The reason for this discriminatory legislation was of course non-medical. In the Northern Territory, an Aboriginal pastoral worker in the year 1963 received £2 a week plus rations, in Queensland £7 a week plus 35/- in lieu of food and accommodation. In Western Australia there was no defined wage and it was often lower than those amounts quoted for the Northern Territory and Queensland. The tuberculosis allowance was in that year for a married man £12/2/6 a week plus allowances for dependants. Better for an Aborigine to have tuberculosis than work in the years prior to 1963; and the authorities made sure that it was not better for them.

Altogether Kath Walker, Secretary of the Queensland Council for the Advancement of Aborigines and Torres

Strait Islanders, and I supplied CAR(V) with about twenty cases of Aborigines medically eligible for the tuberculosis allowance who were not receiving it. Mr H.W. Wade (Minister for Health at that time) in a letter to Kath Walker admitted that there were forty-one "protected" Aborigines in Queensland who, although medically eligible, were not receiving the tuberculosis allowance.

The Council for Aboriginal Rights (Victoria) was supplied detailed information of name, age, work record, wage, marriage status, dependants, whether under the Act, etc., on Aborigines medically eligible for the tuberculosis allowance who were not receiving it. With this information the council was able to investigate each individual case. Dr E.W. Abrahams, the Director of the National Tuberculosis Advisory Council for Queensland, was of utmost assistance. Without his active cooperation, progress would have been almost impossible. He was able to inform us (and he did) if the patient was medically eligible for the allowance. If the medical certificate had been lost by the bureaucracy then he supplied FCAA with a duplicate. Armed with all these facts, an onslaught was made upon the government, the Australian Medical Association, churches, trade unions, etc.

The federal body of the Australian Medical Association finally became involved and made representations on FCAA's behalf to the government. Of the politicians, Gough Whitlam and William Wentworth proved to be of most help.

Early in 1965, FCAA was notified that Section 52(d) of the determinations of Section 9 of the Tuberculosis Act (as outlined in the booklet, *Scheme of Tuberculosis Allowances*) had been cancelled and that Section 53(f) of these determinations had been replaced by a new paragraph:

53.

- (f) persons who at the time of their illness were under the care or control of a public authority responsible for welfare, and were not supporting themselves and their dependants (if any) from their earnings.



This represented one of the successful campaigns of the FCAA and its affiliates.

\* \* \*

One major campaign which FCAATSI considered necessary to attain equal rights for Aborigines led to the 1967 referendum to alter the Australian Constitution.

Below is a statement of the objectives of FCAATSI, and the work it was carrying out, taken from a pamphlet published not long before the 1967 referendum was held.

#### RIGHTS AND ADVANCEMENT FOR ABORIGINES

JOIN THE FEDERAL COUNCIL FOR THE ADVANCEMENT OF ABORIGINES AND TORRES STRAIT ISLANDERS AND HELP WORK FOR

LEGISLATIVE REFORM  
EQUAL WAGES  
EMPLOYMENT OPPORTUNITIES  
LAND RIGHTS  
EDUCATIONAL OPPORTUNITIES

The sad fact is that centuries of mistreatment have resulted in and still account for a tragic waste of human talent, human potential, of human beings. In the general cry these days to develop the North, little, if anything, is heard of developing the people of the north. We are told there are riches beyond dreams in the northern part of our country. There are also human riches above the Tropic of Capricorn, some sixty to seventy thousand of them, Aborigines and Islanders, twenty thousand or more in the Northern Territory alone.

Joe McGinness  
President  
FCAATSI

#### **FCAATSI objectives**

In relation to Aborigines and Torres Strait Islanders:

1. The abolition of all legislation discriminating against these people on the basis of race.

2. The introduction of legislation which will:
  - (a) grant official recognition of customs, laws, languages and institutions;
  - (b) enable dispersed people to re-form community groups if they so choose;
  - (c) grant ownership to present communities, on a collective or individual basis, over land they traditionally occupy;
  - (d) provide the additional assistance necessary to enable them to attain economic, social and educational equality with other Australians.
3. The securing of wages and employment conditions on the same basis as other Australians.
4. The provision of education facilities at all levels and the provision of the means by which people can exercise their rights in this connection.
5. The opportunity to acquire housing conditions of the same standard provided by housing authorities in the general community.
6. The development and appreciation of indigenous culture throughout Australia and the protection of these artists from exploitation.
7. The encouragement of community development projects and other business enterprises to enable economic independence.
8. The combating of racial discrimination and prejudice.
9. The fostering of mutual understanding and respect between these people and other Australians.
10. The acceptance by the Commonwealth Government of primary responsibility for all matters affecting Aborigines and Torres Strait Islanders.

Since its formation in 1958 the Federal Council has vigorously campaigned for the rights and advancement of Aborigines and Torres Strait Islanders. It has played a significant part in bringing about changes in Aboriginal policy.

### **Legislative reform**

More changes have occurred in Aboriginal legislation throughout the Commonwealth since 1958 than in the previous 50 years.

*Social Services:* Although the Social Services Act was



liberalised in 1961, many Aborigines are still denied social services.

*Extension to Franchise:* Aborigines now have the right to vote in all States and Federal elections. (Federal, 1962; Western Australia, 1963; Northern Territory, 1962; Queensland, 1965).

*Land Trust Bill:* In 1966 the Federal Council supported the passage of the Aborigines' Land Trust Bill in South Australia which provides for the setting up of an Aboriginal Land Trust.

*Amendment to Constitution:* The Commonwealth Government has promised to hold a referendum to remove Section 127 of the Constitution which excludes Aborigines from the census. There is a Private Member's Bill seeking the removal of Section 51(26) of the Constitution which prevents the Federal Government from taking responsibility for Aborigines. The Federal Council has collected 130000 signatures on two petitions seeking the removal of this discriminatory legislation.

### **Wages and employment**

Continuous campaigns have kept the economic position of Aborigines before the public. Many trade unions concerned with awards excluding Aborigines have taken action in an endeavour to correct these omissions. Petitions were sent to the Government before and during the Arbitration Commission's hearing of the cases for equal wages for Aborigines in the Northern Territory. When the Commission handed down its decision in March 1966 it stated that Aborigines working in the Pastoral industry in the Northern Territory would receive equal wages — but only after a period of nearly three years. Soon after the decision, Aboriginal stockmen came out on strike, demanding "equal wages NOW". This strike action has the support of the Federal Council.

### **Land and reserves**

The Federal Council played a major role in creating the circumstances under which a Parliamentary Select committee was appointed to investigate the case of the Yirrkala (NT) Aborigines, whose land was taken for bauxite mining without consultation with them.

### **Employment opportunities**

The Federal Council would like to see implemented by the Commonwealth Government a scheme similar to the ex-servicemen's rehabilitation scheme for the training of Aborigi-

nes and Islanders in skills. The Broken Hill Proprietary Company Limited has trained 50 Aboriginal employees at its Groote Eylandt (NT) manganese works. By employing these men on equal terms with white workers BHP has shown that Aboriginal labour can be successfully integrated with white labour.

#### **Enquiry into injustice**

Due largely to the publicity given by the Federal Council to the whipping of an Aboriginal youth on a Lutheran mission in Queensland, a government enquiry was held and the offending pastor removed. The Federal Council takes action on any case of personal injustice which it discovers.

*The Federal Council has no political alignment.*

The lead-up in the equal rights referendum campaign consisted of a deputation to the Prime Minister, the Right Honourable R.G. Menzies, by all state secretaries of FCAATSI in early 1965. The deputation outlined the general position of Aborigines in the economic and social scale of the country, and the reasons why we requested the necessary changes to the constitution were given. We made it very clear that, as seen by us on the deputation, it was painfully ironical that while a census of sheep and cattle in the country was taken and the official population number declared annually, the Aboriginal population was excluded from the exercise, and no accurate figure could be given of our numbers, which meant that animals introduced into the country had priority over the human indigenes.

Meetings were arranged by the General Secretary, Stan Davey, assisted by Pastor Sir Doug Nicholls of the Victorian AAL and CAR(V). The meetings took place in capital cities and major towns throughout 1967. I personally addressed trade union and church groups, and my travels took me to places such as Devonport, Launceston and Hobart, besides capital cities on the east coast, including Adelaide. At each meeting addressed, petitions were circulated which were presented to parliament, whenever daily sittings took place, by Gordon Bryant, MHR for the seat of Wills, and other poli-



National Petition

TOWARDS EQUAL CITIZENSHIP FOR ABORIGINES

TO THE HONORABLE THE SPEAKER AND MEMBERS OF THE HOUSE OF REPRESENTATIVES IN PARLIAMENT ASSEMBLED:—

The Petition of the undersigned citizens of the Commonwealth respectfully sheweth:—

THAT, in view of the fact that the Commonwealth Constitution discriminates against the Aboriginal people in two Sections (as set out below), it thereby limits their right to "peace, order and good Government under the Commonwealth Parliament", and

THAT such discriminations in effect give support to other laws and regulations which deprive Aborigines of equal wages and employment opportunities and deny them the right to own and develop their remaining tribal lands, and

THAT they have an inferior legal status compared with other citizens of the Commonwealth.

Your petitioners humbly pray that the Commonwealth Government remove Section 127 and the discriminatory words in Section 51 (as underlined), by the holding of a referendum at an early date.

And your petitioners, as in duty bound, will ever pray.

Name

Address

Section 51: "The Parliament shall, subject to this Constitution, have power to make laws for the peace, order and good Government of the Commonwealth with respect to:—

Clause xxvi: "The people of any race, other than the aboriginal race in any State, for whom it is deemed necessary to make special laws."

Section 127: "In reckoning the number of the people of the Commonwealth or of a State, or other part of the Commonwealth, aboriginal natives shall not be counted."

This Petition should be returned to P.O. Box 59, Coburg, Vic. or to person from whom it was received.

Authorised by Mr. Stan Davey, general secretary for the Federal Council for Aboriginal Advancement, on behalf of 34 affiliated organisations from all Australian States and Northern Territory.

ticians. The petitions emphatically outlined our need to alter the constitution.

Came the day at last when agreement was reached with the federal government to hold a referendum on the question, which formally took place on 27 May 1967. The end result of the referendum was around a ninety per cent vote in favour of a constitutional change which made it possible (or rather, mandatory) for the federal government to be responsible for Aboriginal Affairs, where previously this responsibility was that of each state. The result meant that Aborigines would also be seen as Australian citizens according to law, and entitled to benefits such as social services which many were excluded from under the state laws governing their everyday lives.

Towards the end of 1967 the Commonwealth Office of Aboriginal Affairs came into being. However, in 1972 its functional operations did not live up to its high expectations, judging from a report made by an officer attached to the office which came to hand, and is quoted below.

State rights for the Federal Government [has] placed the Office in an invidious position whereby the States in reality still held the power and we were reduced to a handout organisation. Excuses of influence exerted on the States resulting in a dramatic change of their particular policy for the better is just so much hogwash. The States from the beginning let the Commonwealth know who was boss and inevitably the Office became the ever-present Father Xmas handing out money whenever requested. The Commonwealth had no real intention of dominating policy trends as expected, and had only the avenue of cash handouts to obtain partial influence over the States.

It is the Policy of the Office, or should I say the Commonwealth, that we must work slowly but surely. This kind of idealism is fine if you are white but to the Aborigines it means another "new era", another set of jobs for white people while Aborigines suffer and die.

The Commonwealth just has not the will nor the vision to realise the tragedy building up throughout Australia. It is only the passiveness and lack of awareness on the part of the disadvantaged Aboriginal that has allowed events to proceed to date.



The Bicentenary of the white's arrival in Australia has come and gone, and it's fairly obvious things have not improved that much. Even with a Department's presence and other subsidiary organisations, the field of Aboriginal Affairs is suffering a total loss of direction in how to deal with the overall problem.