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Colonial accounting and postcolonial resistance: Aboriginal Stolen Wages in Australia

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ABSTRACT

This paper advances critical accounting scholarship by exposing the constitutive role of accounting in producing and reproducing the racialised power structures of British settler colonialism in Australia. Australia remains the only ex-British settler colony without formal recognition of, or treaty with, its Indigenous population and Aboriginal Australians continue to experience inter-generational trauma underlined by extreme poverty, poor physical and mental health, and shorter life expectancy. We argue that colonial and postcolonial accounting systems have perpetuated racial biases and legitimised colonial institutions including racist protectionist legislation enabling a system of institutionalised peonage in Australia.

Drawing on Bhabha's theorisation of hybridity and the 'third space' we conceptualise the *Stolen Wages Case*, a class action brought by Aboriginal pastoral workers in Queensland, as a site where colonised subjects strategically appropriate the epistemic tools of the State to contest the subjectivities imposed upon them. The case's recognition of oral testimony, its acknowledgement of Aboriginal epistemologies, and its calculation of the 'reasonable value' of stolen labour serve to rupture the 'great Australian silence' of Aboriginal labour exploitation. Our theoretical contribution lies in demonstrating how accounting functions as a colonial technology that fixes racial hierarchies while simultaneously providing openings for counter-hegemonic resistance. By adopting a hybrid epistemology, we emphasize the potential for collaborative resistance and recognition of historical injustices within a discursive 'third space'. The successful resolution of the *Stolen Wages Case* exemplifies the emancipatory potential of legal and accounting mechanisms in addressing colonial legacies. This research contributes to understanding the role of accounting in sustaining colonial oppression and offers insights into pathways for postcolonial accountability and reconciliation in Australia and beyond.

1. Introduction

Who controls the past controls the future: who controls the present controls the past...

(Orwell, 1949)

Australia is the only ex-British settler colony without formal recognition of, or treaty with, its Indigenous population. It is broadly

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recognised that modern Australia's fraught relationship with its Aboriginal Australian¹ population stems from the ongoing impacts of British colonisation. The enduring legacy of British colonialism for Aboriginal Australians is manifest in a well-documented and sorry tale of inter-generational trauma underlined by extreme poverty, poor physical and mental health, and shorter life expectancy in comparison to the non-Indigenous Australian population. It is within this contemporary context that we situate our paper, based within the critical accounting literature that identifies colonial and postcolonial accounting systems as repeatedly reinforcing and reproducing racially biased social relations while legitimating colonial institutions (Neu, 2000; O'Regan, 2010; Sauerbronn et al., 2021; Thomson & Jones, 2016). We have adopted a postcolonial theoretic as a way to re-look at the ongoing impact of colonialism in Australia. Using such an analysis enables us to observe the Australian postcolonial "phenomenon from a new theoretical perspective [thus] allowing a broader understanding" (Sauerbronn et al., 2021, p. 4) of the modern resistance by Aboriginal Australians. As the site for our study we have used the 'Stolen Wages Case',² an Australian class action brought by a group of Aboriginal Australian pastoral workers in Queensland.³ This case exposed how the racist legislation of Aboriginal protection used an elaborate accounting system to perpetuate historical wage theft and sustain a form institutional peonage during an era of protection (Murphy, *J Pearson v State of Queensland* [2020] FCA at [6]).

Along with disciplines such as medicine, geography, social work, astronomy and history, accounting practices have been demonstrated to discursively colonise through the (mis)representation of the colonised according to the tenets or ideologies of the "imperial mind" (Bell et al., 1995, p. 2). This paper follows the postcolonial intellectual tradition outlined in Sauerbronn et al. (2021) by adopting a critical epistemology to uncover the role that accounting has played in imposing colonialist practices on the contemporary lives of Aboriginal Australians. We adopt the conceptual framing of Homi Bhabha, recognised as "one of the most prominent contemporary postcolonial scholars" (Sauerbronn et al., 2021, p. 4), to identify the role that accounting has played in the "binary dependencies and dualities that colonial capitalism and modernity [have] historically constructed" (Alawattage, 2024, p. 345). In particular, we emphasize Bhabha's (1990) conception of a 'third space' as a site in which to move seemingly intractable colonial dilemmas forward. In adopting this theoretical framing we understand that postcolonial studies are not "systematized" or "unitary", but are represented by a set of intersubjective theoretical positions that "creatively employ epistemological concepts and perspectives stemming from a variety of academic fields" (Sauerbronn et al., 2021, p. 3).

In our analysis of the Stolen Wages Case as an example of postcolonial emancipatory politics, we have adopted Bhabha's (1994) concept of hybridity and the 'third space' metaphor to pursue the idea that meaningful engagement has the potential to recast polemic, colonised/coloniser relations. Bhabha (1994) highlights the relational and intergenerational aspects of cultural agency and the possibilities it presents to resist persistent colonial narratives. It is argued in Bhabha's (1994) work that colonial encounters inevitably result in the emergence of 'hybridised' identities which interweave elements of the coloniser and the colonised, and which challenge "the validity and authenticity of any essentialist view of cultural identity" (Yousfi, 2014, p. 396). We contend that the Stolen Wages Case affords a hybrid discursive 'third' space where old enmities may be forgiven in order to advance past the fixed oppositional and essentialist positions typically inherent in postcolonialism disputes (Dudgeon & Fielder, 2006).

As at the June 2021 census, in Australia approximately 983,700 individuals identify as First Nations representing about 3.8% of the total population (Australian Bureau of Statistics, 2022). Whereas some commentators have argued that in Australia Aboriginal peoples are in a period of cultural renaissance (Dudgeon & Fielder, 2006), care must be taken not to conflate this renaissance with equality, since Aboriginal people today continue to share relatively compromised social and economic outcomes and poor morbidity rates.⁴

As non-Aboriginal researchers, we do not, and cannot, pretend to understand the experience of Aboriginal Australians.⁵ We acknowledge that research in the Western tradition has its own history of promoting hegemonic ways of knowing that have largely excluded the indigenous 'Other'.

¹ Aboriginal, Indigenous, First Nations, Aboriginal and Torres Strait Islanders (ATSI) are all terms used interchangeably in the Australian vernacular to describe the original inhabitants of Australia. In this paper we have largely used the term Aboriginal to match the language adopted by the Federal Court in the 'Stolen Wages Case' (*Pearson v State of Queensland* (No 2) [2020] FCA 619).

² *Pearson v State of Queensland* (No 2) [2020] FCA 619 in the Federal Court of Australia.

³ Queensland was established as a British colony separate from New South Wales in 1859. Australia became a Federation in 1901 forming the Commonwealth of Australia at which time Queensland achieved statehood as one of six Australian states. Prior to Federation, the individual states were self-governing and to this day each state retains a separate government with significant legislative powers.

⁴ Aboriginal Australian socio-economic disadvantage is widely acknowledged and includes 40% living without two or more essentials for a decent standard of living in comparison to 11% of non-indigenous Australians. Life expectancy of Aboriginal Australian is approximately 9 years less than non-indigenous Australians. The median income of Aboriginal Australians is 28% lower than non-indigenous Australians, increasing to 50% lower in remote areas. Aboriginal Australians represent 37% of all incarcerated persons in Australia, whilst only representing 3.8% of the total population. For examples of some of the damning statistics regarding ongoing and intergenerational Australian Aboriginal disadvantage see Australian Human Rights Commission 2025 <https://humanrights.gov.au/human-rights-education/stats-and-facts-about-discrimination/statistics-about-aboriginal-and-torres-strait-islander-people>; Productivity Commission 2025 'Closing the Gap' <https://assets.pc.gov.au/2025-10/closing-the-gap-annual-data-compilation-july2025.pdf>.

⁵ As non-indigenous authors who are 'settlers' in colonial terms, following Maddison (2019, p. ix), we acknowledge that we are complicit in the ongoing dispossession of Aboriginal Australians and that almost all aspects of the economic and social lives we lead in Australia "are literally not possible were it not for the dispossession of Indigenous peoples".

The collective memory of imperialism has been perpetuated through the ways in which knowledge about indigenous peoples was collected, classified and then represented in various ways back to the West, and then, through the eyes of the West, back to those who have been colonised (Smith, 1999, p. 2).

To overcome this limitation, we adopt hybridity as a lens to view a postcolonial reality that includes both Aboriginal and non-Aboriginal Australians seeking justice for past wrongs. In this hybrid or liminal ‘third’ space, no pure coloniser or colonised are present (Bhabha, 1994) and it is a space where the former colonised can co-opt, engage, and adopt the practices of the coloniser to harness emancipatory potential (Alawattage & Fernando, 2017).

The paper begins with a brief description of the historical context of settler forms of colonialism and colonial practices in Australia and the installed colonial accounting apparatus that led to the Stolen Wages Case class action. This section is followed by an overview of the postcolonial literature on accounting and its role in perpetuating racial hierarchies, fixing the postcolonial identity of the colonised ‘Other’, and supporting and economically justifying slavery practices. We demonstrate how an accounting system sustained racist legislation by constructing the identity of the Aboriginal pastoral workers as ‘wage labourers’. To aid our understanding of the importance of the Stolen Wages Case as a postcolonial opportunity for emancipatory justice, in the next section we adopt and expand on Bhabha’s (1990, 1994) discursive ‘third space’ as a site for modern-day cultural encounters, postcolonial resistance, and as a way to recognise historical injustices. This section is followed by an outline of the data we have used and how it was obtained, followed by our analysis which uses Bhabha’s postcolonial theoretic to explore the manner in which racist legislation combined with a colonial accounting system controlled and created subjectivities related to Aboriginal Australian labour. The paper concludes with a discussion on the importance of how the Stolen Wages Case has emancipatory impact by providing a method by which previously intransigent postcolonial disputes can be resolved.

This research adopts an emancipatory axiology and contributes to the critical accounting literature by identifying the role of accounting in sustaining racist colonial legislation and institutionalised peonage in postcolonial Australia (Bryer, 2023). We also demonstrate how the colonised ‘Other’ can discursively resist their postcolonial reality by adopting Bhabha’s (1994) ‘third space’ metaphor as a site for achieving accountability for the wrongs committed by the State. In doing so, we demonstrate how discursive political spaces are sites for intergenerational cultural encounters, providing an opportunity to recognise the impact of historical colonial practices. Finally, we respond to Buhr (2011), p. 142) call to “redress the injustices done to Indigenous Peoples” by adding to the recognition and understanding of contemporary injustice in Australia and elsewhere that have arisen from colonial institutional practices such as accounting.

2. Imperialism, settler colonialism and postcolonialism

By the 1930s, European colonies and ex-colonies accounted for 84.6% of the world’s land surface (Loomba, 2005) and the effects of European imperialism cannot be overstated. To better understand the consequent social and cultural devastation of European imperialism, post-Marxist scholars have identified the difference between ‘pre-capitalist’ and ‘modern’ colonialists (Bottomore, 1991; Loomba, 2005). While pre-capitalist colonialists focussed on subjugation and direct political control, the objectives of the modern colonialist were essentially economic, aimed at gaining access to raw materials and markets. Rather than military power, modern colonialists relied on politico-economic control at an administrative distance using tools that Bell et al. (1995) describe as the softwares of colonialism. Such tools featured in colonial Canada, South Africa and Australia (Bottomore, 1991).

European colonialism in Australia began with the ‘gunboat diplomacy’ of British military power following ‘discovery’ of the continent in 1770 by Cook. The east coast of Australia was subsequently ‘settled’ (invaded) with the establishment of a British penal colony in 1788. Ostensibly established as a distant place to house convicts transported from an overcrowded British penal system, colonial Australia was always designed as a settler colony. Settler colonies were characterised by the establishment of permanent settlements, the imposition of colonial systems and governance, and the elimination or assimilation of pre-existing societies.

At the time of Australia’s ‘invasion’ by the British, a pre-existing set of international principles mandated that colonising powers could only annex foreign territories through discovery, treaty, or conquest (Miller, 2015). According to these principles, an *a priori* right to expropriate land did not exist “except perhaps if there were so few of them [Indigenous peoples], and their attachment to land was so tenuous that the territory could be deemed uninhabited [in which case] natural law justified seizure of land from those who did not cultivate it” (Miller, 2015, p. 140). This doctrine was developed from the work of Locke (1689) and underpins a condition referred to as *terra nullius*.⁶

This vast land was to them [the Aboriginal Australians] a common – they bestowed no labour upon the land – their ownership, their right, was nothing more than that of the Emu or the Kangaroo... The British people...; and they had a perfect right to do so, under the Divine authority, by which man was commanded to go forth and people, and till the land (1838 *Sydney Morning Herald*, cited in McMichael, 1984, p. 41).

In fact, early colonial settlers in Australia and successive colonial government agencies reported on significant evidence of sophisticated Aboriginal agriculture and aquaculture, destroying the myth of pre-colonial Australia as *terra nullius* (Miller, 2015; Pascoe, 2019). However, because of the *terra nullius* fabrication, the British were able to effectively colonise Australia without formal

⁶ In 1993 a landmark Australian native title decision overturned the doctrine of *terra nullius* and as a result, Aboriginal Australians were finally recognised as the traditional owners of the land, confirming their status as the world’s oldest continuous society.

agreement with, or recognition of, the pre-existing Aboriginal Australian peoples and societies.

By the 1850s in colonial Australia, pastoralists had moved extensively into the vast New South Wales and Queensland rural hinterland in the search for arable land to establish a profitable agricultural industry. This desire for access to the best land and water led to the continuing displacement and dispersal of the existing Aboriginal Australians from their traditional lands (Evans, 1971a). To deal with the mass displacement, successive State governments aggressively pursued the development of a system of reserves and missions (hereafter referred to as settlements) for the displaced Aboriginal populations, which also provided a State-controlled labour force of pastoral workers (Evans, 1971a, 1971b).

The *Aboriginals Protection and Restriction of the Sale of Opium Act, 1897* (and successive legislation, hereafter ‘Aboriginal Protection Acts’) established a system of local Protectors (often the Superintendent of a settlement) under the aegis of a Chief Aboriginal Protector. Under this regime of protectionism Aboriginal Australians “lost their legal status as British citizens and became, in effect, wards of the state” (Reynolds, 1993, p.22 cited in Frankland, 1994). These Protectors held the power to direct where Aboriginal Australians lived, where and when they worked, as well as holding the authority to take “possession of, retain, sell, or dispose of any property of an Aboriginal, whether real or personal” (The *Aboriginals Protection and Restriction of the Sale of Opium Act, 1901 Sec. 13* (a)).

This ‘protection’ provided colonial governments with the means to establish and administer a vast regional bureaucracy and, through a complex system of accounts, exert stringent control over every aspect of the lives of Aboriginal Australians. Failure to comply with the directions of the Protector was a criminal offence with punishment ranging from incarceration to relocation to a distant settlement. Under this system of extreme surveillance, an Aboriginal Australian could be “removed” from family and loved ones for an indefinite time without a hearing or right of appeal (Kidd, 2012, p. 171). The establishment of settlements, combined with protectionism, ensured a captive supply of “cheap coloured labour” in Queensland and was key to the success of its pastoral industry (Evans, 1971a, p. 2).

In 1901⁷ the six independent British colonies (States) in Australia federated to become the Commonwealth of Australia, a point at which the country formally entered an economic and political era of post-colonial independence. In this paper we focus on a particular aspect of the post-colonial era that saw the theft of wages of Aboriginal Australian pastoral workers in the State of Queensland during the mid-20th century. As per the Protection Acts, wages and entitlements were not paid directly to Aboriginal Australian workers, but were held in trust by the State (Senate Standing Committee on Legal and Constitutional Affairs, 2006). However, a large proportion of the accrued wages and entitlements for these workers was found to be missing or unrecoverable. Several attempts to recoup lost wages have been instituted with limited success and it was not until 2018 that a group of former Aboriginal Australian pastoral workers and their families from Queensland launched a class action to address wage theft. In 2020 they were awarded a record settlement of AUD \$190 million. Referred to as the Stolen Wages Case, this landmark decision identified three salient, and interconnected, issues: Stolen Wages, racial discrimination, and slavery (Murphy, *J Pearson v State of Queensland* [2020] FCA at [6]).

Postcolonial forms of justice such as occurred in this case cannot be studied without an understanding of the unique colonial trajectory, labour relations, wage theft, and racist legislation that foreground the Stolen Wages Case. Therefore, in the following section we draw on the literature of colonial accounting for both labour and race relations.

2.1. Colonial accounting and labour

Modern colonialism is largely motivated by economic imperatives and capitalist endeavours that rely on a ready and exploitable workforce. As a result accounting has often been implicated in slavery practices that involve depriving the worker of their liberty and their ability to control where and when they work (Christ et al., 2020). Accounting systems that record the “minutiae of daily life” have provided an effective colonial control mechanism, creating subjectivities and sustaining cultural hegemonies (Neu, 2003, p. 197).

The form that conventional accounting systems take for recording colonised ‘labour’ depends upon a range of economic and geographical factors. For example, accounting was used to justify and sustain the differentiated and lower wage payments made to Asian workers in the Hawaiian sugar industry (Dyball & Rooney, 2012; Fleischman & Tyson, 2000). In the U.S. and British West Indies, under a system of chattel slavery, African slaves were privately ‘owned’ and accounted for as inventoriable goods that could be traded in market transactions. This accounting system also enabled the owners to economically value and control a captive workforce by maintaining records of their whereabouts and levels of productivity (Oldroyd et al., 2013). In Brazil, chattel slaves were an important source of taxation revenue for the State and a stable supply of productive labour for the needs of an emergent industrial economy. The accounting system used in Brazil provided the State with the means to monetise slaves and subsequently tax the slave traders (Rodrigues et al., 2015). Accounting for slavery provided the visibility necessary to tax and commodify chattel slaves and, as a system of classification, was also a means to justify and even sanitise the economics of slavery (Jensen et al., 2021). While adopting different methods, accounting has consistently reflected the political, social and economic structures of the time, legitimating both racial oppression and the colonial “horrors of slavery” (Annisette, 2020, p. 534).

The *British Slavery Abolition Act of 1833 (Imp)* [1833 Slavery Act] seriously disrupted the practice of chattel slavery in the UK’s various colonies (including Australia) and prompted the entrepreneurial development of a range of novel exploitative labour relations. With this shift from *de jure* slavery to *de facto* or modern slavery, new accounting practices of control were needed (Caruana et al., 2021, p. 269). For example, in Fiji, ‘indentured’ labourers were imported from the Indian sub-continent to work in the sugar plantation industry. Under this labour import scheme, employers could withhold wages or payments as a form of racially-based peonage

⁷ It was not until a referendum in 1967 that Australian Aboriginal people were eventually recognised and given the rights of citizens.

(Sharma & Irvine, 2016). Similarly, in Australian sugar plantations, Indian ‘Coolies’ and islander ‘Kanakas’⁸ became indentured workers providing an ongoing source of cheap labour despite the practice mimicking *de facto* “kidnapping or slavery” (Irvine, 2012, p. 198).

The exploitation of Aboriginal Australian labour and the theft of entitlements by successive State powers has been a common practice in modern Australia (see, for example, Chew & Greer, 1997; Gibson, 2000; Greer & Patel, 2000; Guevara et al., 2019; Miley & Read, 2018; Moerman & van der Laan, 2011). This State enacted form of institutionalised peonage and *de facto* slavery has been the topic of several academic studies and government inquiries. Specifically, numerous State and Federal Government inquiries into the Stolen Wages have been held by almost all Australian States and Territories dating back to the early 1920s. In addition, annual reports and audit reviews of the various Aboriginal Protectors has identified stolen Aboriginal workers' wages as an endemic issue.⁹ Academic studies of the Stolen Wages issue include the Greer and McNicholas' (2017) study which highlighted how indentured female Aboriginal Australian apprentices were subjected to coercive behaviours by the State through the withholding of wage entitlements. Similarly, Haskins (2005) found that the Aboriginal apprenticeship scheme entailed a complex system of accounts, which the State was able to use for both surveillance and control.

In the case of Aboriginal Australian pastoral workers, Miley and Read (2018) found that despite an elaborate accounting system of general and subsidiary ledgers, their wages were effectively stolen by the State. The colonial accounting system also mobilised “discriminatory disregard”, creating the stigmatised Aboriginal worker who could not even be entrusted with their own pocket (bank) book (Miley & Read, 2018, p. 463). These Aboriginal workers were effectively modern slaves who did not have recourse to the contractual obligations of indentured servitude like the imported labour for Queensland's sugar industry. Nor could they anticipate freedom from servitude and eventual emancipation as granted to the originally transported British convict workers.

We extend this literature to demonstrate that wage theft and modern slavery are part of a bigger story of colonial racist legislation enabled by an elaborate system of accounting. A system that not only hid in plain sight the existence of institutional slavery under the guise of ‘protection’ but also served to construct the marginalised ‘Other’.

3. Colonial systems of accounting for race

Accounting systems are one of the colonial ‘softwares’ that are said to effectively replace the initial military ‘hardware’ as modes of continuing control in settler colonies (Bell et al., 1995; McMichael, 1984; Neu, 2003). Typically, colonial systems of control have resulted in the denial of certain rights for the colonised. (Bush & Maltby, 2004; O'Regan, 2010). However, in addition to sustaining domination and control by providing the necessary information to enable State control, accounting has also perpetuated exploitative race and labour relations to further the objectives of the coloniser (Alawattage & Fernando, 2017; Bell et al., 1995; Neu, 2003). In fact, settler colonisation thrived because of the dissemination and (albeit erroneous) acceptance of notions of racial superiority that invariably identified the colonial ‘Other’ and legitimated State-based discrimination (Gross & McGoey, 2015, p. 9). As Alawattage and Fernando (2017, p. 5) contend, “colonialism is inherently contradictory in its endeavours to civilise its others and also fix them into perpetual otherness”. This necessitates forms of discrimination that go beyond merely identifying physical race-based characteristics (Cram et al., 2016). A more effective ideology of racial superiority to subjugate and exploit other peoples is by “unilaterally defining them and their cultures as primitive or barbaric” (Ikeda, 2001, p. 103, cited in Byrne, 2017).

It has been demonstrated that colonial institutions have used accounting systems to eliminate pre-existing social structures by creating the necessary subjectivities and identities of the colonised (McMichael, 1984). Not only has this resulted in racially based dispossession, forced assimilation, reduced mobility, confinement, and genocide, but these systems been used as a means to coerce the colonised to ‘perform’ in certain ways due to a perceived lack of ability (McMichael, 1984). Neu and Graham (2006, p. 62) found that in colonial Canada “[G]overnment actions stripped indigenous peoples of agency and then re-presented this lack of agency as evidence of the need for paternalism”. Similarly, in Australia, race-based superiority effectively extinguished the “individual rights of Indigenous peoples to manage their own affairs as individuals and as groups” (Dodson & Strelein, 2001, p. 828). For example, Greer (2009) found that accounting was employed to restrict child endowment cash payments to Aboriginal mothers, which were instead paid into bank accounts controlled by the State. Perversely, the presence of (unsurprising) large balances of money in these inaccessible accounts was used as evidence that Aboriginal child endowments had not been spent in “the interests of the children” (Greer, 2009, p. 184). Thus a false accounting was used to justify controlling and moderating how Aboriginal Australian mothers could access their rightful benefits, “embedding a new dimension of dependency between the State and Aboriginal people” (Greer, 2009, p. 168).

Accounting systems, as distributors of knowledge, can also import and impose alien social and economic values by reinforcing what it means to be ‘civilised’ (Neu & Heincke, 2004, p. 191). For example, the relief payments provided to Irish workers by the British government during a time of famine were part of an accounting scheme designed to not only incentivise labour but to civilise the ‘ignorant’ and ‘lazy’ Irish worker (O'Regan, 2010). Similarly, accounting and taxation were used as a moralising force and a means of translating the imperial ideas of social order in West Africa. This conversion of the “primitive and barbaric into good, industrious and

⁸ While these terms are seen as pejorative today, they reflect the language and attitudes of the time. “Coolies” were originally labourers from India, however the term was later also applied to Chinese immigrants. “Kanakas” refers to Pacific Island workers, predominately used for labour in the sugar cane industry in Queensland.

⁹ Chapter 6 of the ‘Unfinished business: Indigenous stolen wages’ report from the Australian Senate provides a comprehensive coverage of the various inquiries conducted by Australian governments (https://www.aph.gov.au/Parliamentary_Business/Committees/Senate/Legal_and_Constitutional_Affairs/Completed_inquiries/2004-07/stolen_wages/report/index).

governable colonial subjects” resulted in a deep cultural shift in the identity of the colonised (Bush & Maltby, 2004, p. 7).

However, knowledge of the coloniser's expectations of civility also creates a disjuncture for the colonised subject because “they can never fully adopt the identity of the colonizer and become an essential and legitimate part of the colonizing society” (Frenkel, 2008, p. 927). Therefore, creating the colonial subjectivity of being ‘civilised’ also sows the seeds of resistance as an example of the “disrupted, disturbed and inappropriate ways” of imposing cultural hegemony (Frenkel, 2008). Such historical inequities manifest in a range of intergenerational effects which can spark or mobilise modern day subordinated groups to resist historical racial narratives and seek restitution for past wrongs (Cram et al., 2016).

Therefore, this paper extends the literature on the role of colonial accounting in wage theft, racial marginalisation, and exploitation by exploring an example of postcolonial resistance through a contemporary story of Stolen Wages. This story is about control and racial subjectification through colonial-based historical accounting systems and the opportunity for postcolonial emancipatory justice.

4. Postcolonialism in Australia

Studies adopting a postcolonial perspective are complex and difficult. Despite such challenges, it is recognised that postcolonial studies “have managed to make visible the history and legacy of European imperialism” (Loomba, 2005, p. 2). The mobilisation of the term ‘postcolonial’ is contested. This is in part because of its interdisciplinary application and also a result of “the controversial shiftiness of the prefix ‘post’” (Bhabha, 1994, p. 1) and its “slippery political significations” (Shohat, 1992, p. 100). Use of the prefix ‘post’ “complicates matters because it implies an aftermath in two senses – temporal, as in coming after, and ideological, as in supplanting” (Loomba, 2005, p. 12). Therefore, postcolonialism eschews a universal definition and is better understood as contextualised in specific coloniser/colonised encounters and by relating its “shifting meanings to historical processes” (Loomba, 2005, p. 10).

The Australian postcolonial context is a response to the contemporary settler colonialism unique to the Australian continent. In developing our understanding of settler colonialism we draw on the work of Wolfe (1999, p. 2) who identified that for this form of colonisation the land itself was the primary object and that “settler colonies were (are) premised on the elimination of native societies”. Wolfe (1999) posits that the postcolonial circumstances in Australia differed from other colonised societies in the Global South in that, in Australia, the British colonisers were not dependant on the exploitation of native inhabitants as a source of productive labour. The reliance upon coerced labour in these other “colonies of exploitation” left the colonising minority vulnerably dependent (Wolfe, 1999, p. 1). In those colonial formations, Fanon (1963, p. 61) contended that there can be “no compromise [or] coming to terms; colonization and decolonization are simply a question of relative strength”.

Fanon's colonial context was based in the “advantage of speaking to an oppressed majority on the supply of whose labour a colonising minority was vulnerably dependent” (Wolfe, 1999, p. 1). While acknowledging Fanon's postcolonial approach is applicable to many African colonial contexts, Wolfe (1999, p. 3) distinguishes the Australian situation by pointing out that the Australian Aboriginal population was “superfluous” in the initial settler-colonial economy. Interestingly, Wolfe (1999) highlights the plight of Native (North) Americans who were removed from their lands and were not exploited for their labour. Instead, African slaves were imported into the United States to drive the economy, and their coerced labour was applied against the appropriated lands of Native Americans. The Australian colonial experience echoes the North American, with transported convicts providing the first tranches of coerced labour on occupied Aboriginal lands in the nascent British colony. The determinate feature of settler colonisation was that settlers came to stay, and in those circumstances the initial invasion was not an ‘event’ but rather the imposition of structure (Wolfe, 1999, p. 2).

Despite well-documented episodes of struggle and warfare between Aboriginal Australians and settler colonialists, the journey to post-colonial Australian nationhood did not come through defeat, disjuncture or disruption of the colonial power but by the political coming together of independent, colonially established States. In modern Australia, where “the natives themselves have been reduced to a small minority” (Wolfe, 1999, p. 1) the power imbalance was, and remains, too large for Australian Aboriginals to have ever contemplated an overthrow of the coloniser. Unlike other colonised indigenous peoples' trajectories to self-determination, Aboriginal Australians did not move from a marginalised periphery to join with the ‘centre’ to create a new self-governing dominion (Loomba, 2005; Sauerbronn et al., 2021; Shohat, 1992).

Culturally, the postcolonial era in Australia is reflected in relationships between Australian Aboriginals and the rest of the Australian population of “barely concealed mistrust, suspicion and mutual incomprehension” (Bell et al., 1995, p. 2). Therefore, despite Australian independence from Britain, in this paper we have adopted a discursive understanding of the term postcolonial that denotes the ongoing “contestation of colonial domination and legacies of colonialism” which are still evident (Loomba, 2005, p. 16). This understanding of postcolonialism describes the enduring locations of colonial subjugation and sustained opposition to colonial “subjectivities” that exist even after political independence from the coloniser (Alawattage & Fernando, 2017, p. 3; Bryer, 2023). In truth, there has been no ‘post’ from colonial domination for Australian Aboriginals and no true period of self-determination. Where colonial objectives and various institutional mechanisms endure in political settings, engagement with emancipatory postcolonial politics is necessary to understand the past, present and future impact on the colonised.

5. Bhabha's hybridity and the third space

In emancipatory politics, sites of deliberation are often envisaged as a ‘space’ in which the contest of ideas can resolve disputes. For example, the Habermasian ‘public sphere’ (Lehman, 2001, 2013; Murphy & Moerman, 2018), Bourdieu's ‘fields’ (Archel et al., 2011), the Gramscian discursive space (Spence, 2009), Renn's ‘social arena’ (Georgakopoulos & Thomson, 2008), and Boltanski and Thévenot (2006) ‘worlds of worth’ (Annisette et al., 2017; Annisette & Richardson, 2011) have all been proposed. However, these deliberative democratic approaches often fail because of the “ineradicable tensions and conflicts among various actors as well as the associated

power dynamics" (Vinnari & Dillard, 2016, p. 26). Others see such emancipatory change as deriving less from social debate, and more from a marginalised civil society engaging in resistance and dissensus (Yang et al., 2020). Dissensus approaches, however, can lead to rigidly oppositional positions creating difficulty when resolving differences. These binary positions often arise in postcolonial societies, serving to frustrate any progress towards mutual understanding, delaying emancipatory outcomes, and derailing decolonial rapprochement (Williams, 2019). The former Archbishop of Canterbury, Rowan Williams, recognised that this is particularly true in a world characterised by political tribalism where increasingly partisan approaches reduce the chances of establishing "as much of a *shared language* as possible [emphasis in original] (Williams, 2019). He further recognised the necessity "to work to grasp the history and structure of the way the stranger, the 'Other', is invested in their view" (Williams, 2019). As a means of moving societies through this difficult process and past the binary positions occupied by protagonists, Bhabha (1990) proposes the postcolonial metaphor of the third space as an intercultural site of enunciation which enables other positions and subjectivities to emerge.

Bhabha introduced the postcolonial concept of hybridity and the third space metaphor to better understand and critique relations between the colonised and coloniser. Third spaces can be a site of commitment to political transition and ethical transformation in postcolonial settings (Ikas & Wagner, 2008). Bhabha's hybridity is situation-specific, an interstitial space that has a meaning similar to the horticultural idea of crossbreeding to form a new, discrete species (Bhabha, 1994). In postcolonial societies, where colonial dominance has been secured through racial stereotypes and the discourses of differences, hybridity exists in borderline engagements (Bhabha, 1994). Therefore, rather than maintaining the regimes of essentialism that bind postcolonial contests into polemic polarities, hybrid identities give rise to a new space of negotiation of meaning and representation which "displaces the histories that constitute it", setting up new "structures of authority, new political initiatives" (Bhabha, 1990, p. 211).

Third spaces can take many forms including political, linguistic, cultural and racial sites (Ashcroft et al., 2013). Postcolonial third spaces present opportunities to resolve historical disputes, especially "where the dispossessed have no choice other than making some 'space' in a 'place' now owned and controlled by the colonisers" (Dudgeon & Fielder, 2006, p. 399). However, Bhabha (1994) stresses that third spaces are necessarily controversial because they require an interruption of conventional practices to resolve conflict or injustice. In other words, they provide the opportunity to challenge the normalising practices of the coloniser and open new avenues to achieving meaningful consensus. Third spaces are:

about the fact that in any particular political struggle, new sites are always being opened up, and if you keep referring those new sites to old principles, then you are not actually able to participate in them fully and productively and creatively...even if there is a war on you must negotiate – negotiation is what politics is all about. And we do negotiate even when we don't know we are negotiating: we are always negotiating in any situation of political opposition or antagonism. Subversion is negotiation; transgression is negotiation; negotiation is not just some kind of compromise or 'selling out' which people too easily understand it to be (Bhabha, 1990, p. 216).

Therefore, third spaces are not merely sites where colonial hegemony is exposed, instead they are liminal spaces that provide an opportunity to resist and reimagine postcolonial relations in emancipatory ways (Marini et al., 2018). In this way, hybridity interrupts the hegemony of colonial dominance and allows new intersubjective relationships between colonised and coloniser to occur (Ashcroft et al., 2013).

For Bhabha (1994), cultural agency is necessary in third spaces to resist the persistent colonial narratives and allow the emergence of 'hybridised' narratives. This cultural agency is evident in symbolic representations such as artefacts, language, practices, and other cultural reproductions (Bhabha, 1990; Marini et al., 2018). Several studies have highlighted how accounting is one example of a symbolic artefact that can be found in Bhabha's third spaces. Alawattage and Fernando (2017), for example, describe how CSR reporting was mobilised in a textual third space to construct the local Sri Lankan context as resistance to the parent company's discourse of global sustainability. Marini et al. (2018) highlight how accounting artefacts were symbolically applied to translate the accountabilities associated with both microfinance lenders and borrowers in South Africa. In the Marini et al. (2018) study, it was identified that both textual and oral discursive third spaces formed a site of postcolonial understanding.

The third space has also been mobilised in postcolonial Australia to mediate Aboriginal/non-Aboriginal Australian relations, including Guevara et al.'s (2019) study of land right negotiations between an Aboriginal community and a multinational mining company. In their study they found that the coloniser's institutions combined with a discourse of market rationality secured fair compensation for the use of the colonised's traditional lands. More recently, Nikidehaghani and Pupovac (2024) explored the potential for the third space to facilitate a hybrid model of funding for Aboriginal disability programs. In Lombardi's (2016) study of accountability practices among Australian Aboriginals she examined the emancipatory potential of 'intercultural' spaces of financial accountability that demonstrate "certain distinctive and persistent Aboriginal values and practices" (Lombardi, 2016, p. 1322).

Bhabha (1994) contends that to move difficult postcolonial problems forward to resolution requires unconventional and necessarily controversial approaches where there is a commitment to political transition and ethical transformation. In the following section we outline how we apply Bhabha's (1994) hybridity and third space metaphors to a contemporary site of postcolonial conflict concerning historical wage theft and modern-day resistance by a group of Australian Aboriginal pastoral workers.

6. Data and method

Bhabha (1990) identified that the emancipatory potential of hybridity is located in third spaces where cultural agency is manifest in multivocal voices, discrete narratives and symbolic artefacts. Therefore, for this study we draw on several sources of documentary data including historical documents, legislation, government inquiries, court filings and transcripts from the Stolen Wages Case.

The analysis comprises a section on colonial control through protectionism and the accounting system that legitimated and

sustained a discourse of wage labourer. In our critical analysis we recognise that history is continually being “re-presented to reflect changes in power relations between societal formations, between the dominant and the dominated” and we acknowledge that our “knowing of the past” can create selective visibilities and silences (Cooke, 1999, p. 83). Therefore, in the course of the analysis we identify aspects from the past that we consider significant to the issues leading up to the Stolen Wages Case (Carnegie & Napier, 2017, p. 71). We then turn to the Stolen Wages Case as a site for the postcolonial emancipatory politics of resistance.

We read all documents and recorded our evidence as either direct quotes or paraphrasing in the relevant sections. Consistent with other researchers, we discovered an evidentiary gap in the historic accounting material related to Aboriginal Australians due to incomplete, missing or destroyed records (McMichael, 1984; Miley & Read, 2018). However, we believe the use of secondary documentary material is valid and appropriate to overcome the lack of ‘hard’ accounting evidence. Unlike Miley and Read (2018), who dealt with this problem by identifying the absence of accounting records as a negative space, we found that the lack of evidence based on modernist notions of truth “can be emancipatory when it exposes the fragility of knowledge claims by the powerful” (Gross & McGoe, 2015, p. 8).

To supplement our understanding of accounting we relied on documentary material such as the Australian Senate inquiry entitled *Unfinished Business: Indigenous Stolen Wages* and commentary from Aboriginal and non-Aboriginal academic researchers and activists. We also accessed relevant legislation such as the Aboriginal Protection Acts, the 1833 Slavery Act, and the *Audit Act 1874* (Qld) (as amended). To include the testimony of Aboriginal Australian pastoral workers and their families, we relied on the transcripts and affidavits from the Stolen Wages Case.

The Stolen Wages Case was negotiated under the class action regime in Australia, which is a legal apparatus through which individual claimants of the same ‘class’ act together to achieve redress from injustices (Murphy & McGrath, 2013). A class action:

pursues primarily private interests. However, seen through a regulatory lens, the collective pursuit of those private interests may be in the public interest [...] through obtaining compensation, not previously available, for those that have suffered loss and indirectly recognition for those who have suffered past wrongs (Legg, 2022, pp. 166–167).

A class action in Australia is an unconventional space that allows for the aggregation of individual claims, which is dissimilar to a conventional court setting. A lead claimant represents a class or collective that are eligible for any compensation payments awarded. Class actions are also unconventional in comparison to State-based inquiries as they have more flexible rules of evidence. The Stolen Wages Case transcripts were extremely useful as it was acknowledged (and accepted) that the oral testimonies and recollections of claimants were the “honestly held memories of the events of those times” (Murphy, *J Pearson v State of Queensland* [2020] FCA at [132]). In this scenario the lack of historic accounting evidence and surviving documentary material increased, rather than decreased, the level of cultural agency and validity of knowledge claims.

[t]he use of Aboriginal memory by Aboriginal peoples to produce some expression of collective identity in the present is crucial to their politics of identity: rejecting this process as being “theoretically limited” because memory contains fictitious essences, precludes transforming modes of domination into distinctively Aboriginal forms of resistance (Banerjee, 2003, p. 259).

Significantly, in the situation where family members of deceased Aboriginal pastoral workers tendered oral evidence, their recollections were also considered valid evidence, despite the:

considerable difficulty in adducing reliable evidence of relevant matters, including: (a) the periods over which the deceased person was employed between 48 and 81 years ago; (b) the amount the deceased person was paid or ought to have been paid in wages; (c) the amount of pocket money the deceased person received at the time; and/or (d) the amount the deceased person withdrew from the savings account maintained on their behalf, either by withdrawing monies from the savings account or by placing orders in the settlement store (Murphy, *J Pearson v State of Queensland* [2020] FCA at [126]).

In Bhabha's (1994) third spaces, hybridity is enacted where symbols and artefacts develop changed meanings (Marini et al., 2018). Therefore, in our close reading of the documentary evidence we were attuned to the ongoing effects of colonial discrimination as sites of resistance and were sensitive to differences related to labour relations for the Aboriginal Australian pastoral workers. In our analysis we extracted information that related to; the issues of work and living conditions; cultural understandings of time and money; understandings of the accounting system and recording of wages; and issues of social and cultural identity. The Stolen Wages Case acknowledged the Aboriginal Australian pastoral workers “diverse and unique ontologies and epistemologies in the construction of knowledge” (Rowe et al., 2015, p. 299) and prioritised their accounts of their working history against the partial and incomplete ‘accounting’ records presented by the State. In this third space, the Court listened “carefully to [their] Indigenous voices, promoting them as experts in their own lives” (Rowe et al., 2015, p. 299).

7. Colonial protector as public accountant

The Applicant claims: *An order for an account from the Respondent, on the basis that the Respondent (as a trustee and/or as a fiduciary) is in an accounting relationship with the Applicant and Group Members* (emphasis added) (Hans Pearson v. State of Queensland Federal Court Part IVA, 714:2016, Fourth Amended Originating Application, para 1A).

As Neu (2003, p. 197) argues, record-keeping is the hallmark of bureaucratic control and constructs “knowledges” of the colonised. In the case of ‘protected’ Aboriginal Australians, this accounting relationship was mobilised through the Chief Aboriginal Protector, and their delegated authorities. These Aboriginal Protectors were deemed to act as “public accountants” as defined under the *Audit Act*

1874 (Qld) (as amended) with the responsibility to keep accounts and records of all monies and other property dealt with under these protection powers (Kidd, 2006). These workers were constantly held to account, whether working on a cattle station or living in the settlement (Kidd, 2012). Protectors, with the professional responsibilities of a 'public accountant', were granted extreme powers over the assets of Aboriginal workers including the right to transfer or disburse any wages due to an Aboriginal worker (Frankland, 1994).

8. The discourse of 'wage labourer'

Boys were sent to farm work and pastoral stations, and girls to fill the insatiable demand for domestic servants, often in remote areas (Senate Standing Committee on Legal and Constitutional Affairs, 2006, p. 10).

In the State of Queensland, Aboriginal Australians were subject to the control of the Aboriginal Protection Acts until 1971,¹⁰ several decades after federation and Australia's post-colonial era. At any one time during the protection regime between 3000 and 5000 Aboriginal men, women and children were engaged in the Queensland pastoral industry (Kidd, 2004).

[T]he Government's own records thus confirm that the prime motivator for the Aboriginal labour market was the needs of rural industries: the supply of as many men and woman as required *for a price that the market claimed it could bear*. Send them out to the remote areas that white workers shunned, arrest them and return them if they abscond; do not look too closely at hours and conditions (Kidd, 2012, p. 174, emphasis in the original).

Able-bodied residents on Aboriginal settlements were granted annual permits or work agreements by their local Protector to leave the settlement for employment. These agreements stipulated the location, the period of employment, the nature of accommodation, and the rations to be provided (Senate Standing Committee on Legal and Constitutional Affairs, 2006). The Protector also mediated work contracts with, and collected wage payments from, employers on behalf of these pastoral workers. The State had also envisioned that Aboriginal settlements would be self-sufficient with every able-bodied resident required to give labour for a minimum of 24 h per week when not working outside the settlement. In return, 'payment' or 'wages' in-kind such as segregated housing, or essentials such as meat, flour, tea, sugar and tobacco were provided¹¹ (de Plevitz, 1996, pp. 4–5). As Bhabha (1994, p. 87) points out, the colonial 'civility' of being a wage labourer is imposed through rules and regulations that construct a particularly appropriate form of "colonial subjectivity". Therefore, the administrative control wielded by the Aboriginal Protector simultaneously created the subjectivities of a 'wage labourer', further legitimating the cultural domination in this postcolonial space of labour relations (Bhabha, 1990).

The Aboriginal pastoral workers working outside the settlement were provided with basic meals and very rudimentary accommodation, working a minimum of six and, more often, seven days a week. Mr. Pearson, the lead claimant in the class action, described how he:

would be given a wire bed with no mattresses, in a tin shed with a dirt floor. In some cases, no bathing facilities were provided, and if he wanted a shower, he had to go down to the creek to wash himself. The food he was provided was usually damper and grisly corned beef and he was rarely given vegetables. As an Aboriginal worker, he was not trusted by his employers to handle certain items like sugar or butter, and if he wanted some sugar with his tea, a teaspoon of sugar would be placed in his tea by someone else (Murphy, *J Pearson v State of Queensland* [2020] FCA at [64]).

This distrust and disrespect recorded by Mr. Pearson reflects the racist tropes developed about Australian Aboriginals during the 1800s which are still referenced in modern Australia (Augoustinos & Every, 2015; Konishi, 2010). This Australian colonial discourse represents "the most devastating and enduring myths about Indigenous people [including] that they are 'lazy', 'indolent', 'slothful', 'erratic' and 'roving' and simply 'don't want to work'" (Konishi, 2010, p. 99). Similar to Miley and Read's (2018) demonstration of the stigmatised worker, Mr. Pearson's account of his life on a pastoral property also reflects the duality of his existence as an Aboriginal and as a wage labourer.

For the Aboriginal pastoral workers "there was never any discussion about payment for work" (Murphy, *J Pearson v State of Queensland* [2020] FCA at [59]). Under the aegis of the accounting system established by the Protection Act:

12 (2.) A Protector may direct employers or any employer to pay the wages of aboriginals or female half-castes to himself or some officer of police named by him, and any employer who fails to observe such direction shall be deemed to have not paid such wages. The Protector or officer of police who receives such wages shall expend the same solely on behalf of the aboriginal or female half-caste to whom they were due, and shall keep an account of such expenditure (*Aboriginals Protection and Restriction of the Sale of Opium Act 1901*).

The Aboriginal pastoral workers further argued that they did not receive a work contract as stipulated under the Protection Acts and, at no time, were the details of employment and the State's obligation explained to them (Murphy, *J Pearson v State of Queensland* [2020] FCA at [69]). For example, Mr. Pearson held very few hard copy records of his many years of employment, however he was able to recall at least 13 employment episodes between the period of 1954 and 1962 where he performed contract work (Murphy, *J Pearson v State of Queensland* [2020] FCA). He states he did not enquire about his wages because "that was not something that an Aboriginal

¹⁰ For example, in the State of Queensland it was not until the passing of the *Aborigines Act 1971 (Qld)* and the *Torres Strait Islander Act 1971 (Qld)* that the end of "significant legal restrictions on Indigenous people living in reserves [settlements]" was enacted (State of Queensland, 2015, p. 3).

¹¹ Award wages were not paid to Aboriginal workers on pastoral properties until as late as 1979 (de Plevitz, 1996).

worker in his position would do" (Murphy, *J Pearson v State of Queensland* [2020] FCA at [62]). This assimilation into the work of the coloniser created the identity of Mr. Pearson as a 'wage labourer'; compliant and accepting of the system of accounts but not afforded the rights that very system asserted were his. This included his inability to hold the State to account because of the State's failure to provide work contracts. This testimony, and its acceptance, reflects Mr. Pearson's experience as an Aboriginal pastoral worker and "privileges the voices, experiences and lives of Indigenous people" (Rowe et al., 2015, p. 299).

The 1897 Aboriginal Protection Act was amended in 1901 to establish a minimum wage for Aboriginal workers, where despite working side-by-side with non-Aboriginal pastoral workers, they were granted less than an eighth of the wages 'white' workers (Senate Standing Committee on Legal and Constitutional Affairs, 2006, p. 11). Notwithstanding further Federal legislative changes in 1966 mandating 'equal pay' for all Australian workers, the Queensland State reinforced racial wage discrimination by classifying all Aboriginal workers as 'trainees', thus placing them outside the scope of the legislation. Racially based wage discrimination is culturally subjective, creating identities that are translated through the Protector's accounting system and the non-reciprocal accounting relationship. The experiences of lead plaintiff Mr. Pearson, and his fellow Aboriginal pastoral workers become "the expression of active and sometimes conscious resistance by the colonized" (Frenkel, 2008, p. 927).

9. A system of accounts and control

In other colonial contexts, accounting systems have been utilised as incentive mechanisms to encourage civil or expected behaviours (Neu, 2003; O'Regan, 2010). In Queensland, the State kept a complex accounting system with "a uniform filing system with general records [...] including wage and saving ledger cards" along with a "parallel record keeping system in the settlements" (Murphy, *J Pearson v State of Queensland* [2020] FCA at [115]). The local Protector was required to "keep proper records and account of all monies and other property dealt with under this power" (Senate Standing Committee on Legal and Constitutional Affairs, 2006, p. 11).

An individual ledger card record was kept for each person who had money banked into this account. This record, known as a Savings Account, showed their name, individual deposits and withdrawals and the balance they had in their savings account (Senate Standing Committee on Legal and Constitutional Affairs, 2006, p. 42).

Approximately 60% of an employee's wage entitlement was meant to be allocated to individual saving accounts by the Protector, with the residual disbursed as 'pocket money' (Senate Standing Committee on Legal and Constitutional Affairs, 2006). However:

[d]espite several attempts at reconstructing ledgers to determine wages and withdrawals for individuals, the State had difficulty in determining whether 'pocket money' had been paid to workers or that withdrawals were made from their savings or to purchase goods from the store on credit. (Murphy, *J Pearson v State of Queensland* [2020] FCA at [14]).

While each Aboriginal worker was entitled to and provided a pocket-book as a record of bank account transactions, the account books were retained by the employer so as to not to get lost (Miley & Read, 2018). However, this rationale of safekeeping not only signalled distrust, it also meant that Aboriginal pastoral workers, could not check the veracity and accuracy of transactions recorded by the Protector, or the balance held in their own accounts (Kidd, 2012).

Mr. Pearson stated that between 1954 and 1962 he received nothing on account of his wages other than some small withdrawals he was permitted to make and the three occasions he was paid directly as mentioned above. He made only modest withdrawals from the savings account, being no more than £10 a year, with such withdrawals being arranged through the relevant Superintendents. He cannot now recall any specific withdrawals, but that he may have withdrawn £5 or £10 in 1957 at Hopevale to pay for a second-hand horse saddle, and he may have made other withdrawals at Hopevale to pay his parents for board. He also recalls that he made withdrawals to attend the horseraces in Laura and Coen when he was working nearby, and he withdrew money through the local Protector so he had money for food at the races. He was not provided with any statements or written accounts which set out how much money had been paid into the savings account on his behalf or how that money had been spent (Murphy, *J Pearson v State of Queensland* [2020] FCA at [72]).

In 1919 the local Protectors were further directed to make deductions of between 2.5% to 5% "for contribution to the 'Aboriginal Provident Fund' which was to be used for the 'relief of natives'" (Senate Standing Committee on Legal and Constitutional Affairs, 2006, p. 12). This reflected a dangerous shift in policy whereby the wages of Aboriginal Australian workers were being used to subsidise government spending. By 1936 the State had abandoned its policy of maintaining individual accounts for Aboriginal workers and some 3000 to 4000 individual account balances were consolidated into a single account named the 'Queensland Aboriginals Account' (Senate Standing Committee on Legal and Constitutional Affairs, 2006).

Under the protection regime remittances of cash to an Aboriginal pastoral worker for family expenses was completely at the discretion of the Protector. Further, with a captive workforce that did not well understand, or comprehend, the nature of money and certainly not the concept of bank accounts, cash 'wages' would often be directly substituted for goods by the Protector. There is evidence that food and clothing, or credit to purchase overpriced goods at remote cattle station stores, was provided to Aboriginal pastoral workers in lieu of wages (Anthony, 2019). For example, the Chief Protector in 1911 reported that many station managers retained "a deep-rooted objection to paying the Aboriginals anything for their services, unless it is coming back again through the station store" (cited in Kidd, 2004, p. 6). Using food and other goods as a direct incentive to control workers had the dual effect of saving costs for the cattle station, while ensuring workers remained dependent on the goods provided by their employer. Keeping in the 'good graces' of the local Protector was essential as they held wide powers and the capacity to inflict personal and cultural harm. One

Aboriginal pastoral worker observed a Protector:

taking advantage of illiterate Aboriginal workers by recording amounts of withdrawals in excess of what was written in the book recording the transactions, meaning that those workers were being short-changed. He saw that occur about three or four times. Although he saw it happening, he was too scared to say anything so he stayed quiet, and none of the workers spoke about it because they were all too scared to do so (Murphy, *J Pearson v State of Queensland* [2020] FCA at [73]).

Further:

Aboriginal men did not speak for themselves in the presence of white men and there was an underlying threat of being sent to Palm Island as a punishment if an Aboriginal person stepped out of line. Such a penalty was particularly harsh including because it often meant the person's family was split up (Murphy, *J Pearson v State of Queensland* [2020] FCA at [62]).

The records of the Queensland Aboriginal Protector represented a regime where “knowledge is power, more power requires more knowledge, and so on in an increasingly profitable dialectic of information and control” (Said, 1979, p. 36). Accounting systems create subjectivities and alter how the colonised are represented or identified by reinforcing the colonist concepts of time, money, work, and wages that may be anathema to existing Aboriginal cultural knowledges (Neu, 2003). However, the Protectors' accounting system reinforced the concept of meticulous recording of ‘wages’ held in trust with reliable evidence of disbursements to Aboriginal pastoral workers. However, unlike the non-Aboriginal pastoral worker, they were deemed incapable of either understanding the system or being trusted enough to manage their own affairs or access their own funds.

The impact of the coloniser's control systems was magnified because the values and understandings of the Aboriginal pastoral workers were, and remain, different to those of their employers and the Protectors (Murphy, *J Pearson v State of Queensland* [2020] FCA). It was also recognised that many Aboriginal pastoral workers had received only a rudimentary education and did not categorise employment events in the colonisers' timeframe of days, weeks, and months. In the Stolen Wages Case these Aboriginal pastoral workers successfully presented a different version of ‘time’; utilising both Western time and Aboriginal experiential time as reliable and truthful.

Further, these workers were unfamiliar with the concept and use of money and consequently did not fully appreciate the connection between work and the payment of wages. It was recognised that they were unable to comprehend the idea of a trust account, nor understand that money was being paid and held on their behalf and were thus incapable of holding the Protector accountable for the funds held for their benefit (Murphy, *J Pearson v State of Queensland* [2020] FCA). These workers “trusted that the Superintendent [or Protector] and his employer would look after his interests” (Murphy, *J Pearson v State of Queensland* [2020] FCA at [60]).

The class action regime recognised that the former Aboriginal pastoral workers in Queensland were entitled to compensation for the wages they did not receive, in addition to a payment for their ‘free’ labour on settlements which was held to be slavery. Thus, the term ‘Stolen Wages’ was a novel term to describe what had occurred under protectionism. The ‘stolen’ aspect signifies more than mere State neglect or malfeasance. ‘Stolen Wages’ implies a deliberate attempt by the State to perpetuate and then justify institutional peonage and racial discrimination.

Rather than attempting to calculate the actual quantum of wages owed, the class action determined that each member was eligible for damages “representing a reasonable value” for their labour (Murphy, *J Pearson v State of Queensland* [2020] FCA at [3]). In considering this decision, the judgement acknowledged the difficulties arising from the length of time that has passed (48–80 years), the paucity of records, and the fact that most claimants were deceased (Murphy, *J Pearson v State of Queensland* [2020] FCA at [13]). This presented an expedient compensation outcome using an “essentially fair and reasonable” loss assessment compared with the expense, additional risk, and time-consuming efforts of seeking actual damages (Murphy, *J Pearson v State of Queensland* [2020] FCA at [19]).

The vast majority of living class members were elderly, with an approximate age range between 63 and 96. Many had passed away since the proceedings was commenced. There was (and there remains) a need for expedition in getting settlement monies to class members within their lifetimes (Murphy, *J Pearson v State of Queensland* [2020] FCA at [39]).

The cruel irony of being an Aboriginal wage labourer under the protectionist regime can be summed up in the recollection of the lead claimant when he and his wife sought money from his saving account in the 1960s to purchase a home for his growing family.

[H]e believed that the savings account held on his behalf should have contained substantial monies from wages paid by his various employers for the work he had completed. He and his wife estimated that the amount due was around £7000, which they thought would be sufficient to purchase a family home. They commenced to plan the purchase and went so far as to narrow their search down to two houses in Innisfail that they considered to be suitable to buy. However, when he went to speak to Sergeant Hegarty, the Protector at Innisfail, he was extremely surprised to be told that the Department only held a very small sum on his behalf. That was devastating to him and his wife, and he felt badly “ripped off” (Murphy, *J Pearson v State of Queensland* [2020] FCA at [76]).

Mr. Pearson described the State's conduct as not only “dehumanising” but also as denying him and his family a share of the wealth due from his many decades of labour¹² (Murphy, *J Pearson v State of Queensland* [2020] FCA at [77]).

¹² Sadly, at the time of the class action settlement in 2020, almost 50 years later, Mr. Pearson had still been unable to purchase a family home.

The practice by colonial powers of recording through written accounts underpins the establishment and success of colonial territories (Bhabha, 1994, pp. 94–97). The notions of civility embedded in recording a system of accounting for income, expenses, housing, clothing, and food furthered the coloniser's discourse of 'wage labourer'. The creation of a civilised Other, to live in permanent housing, eat flour and sugar, smoke tobacco, and work. However, these Aboriginal pastoral workers were "a subject of difference that is almost the same, but not quite" (Bhabha, 1994, pp. 85–86, emphasis in the original); they were recognised in the accounting system as wage labourers, but without wages; trusted to perform the tasks of a pastoral worker, but not to be responsible with or understand money; free to leave the settlement for contracted labour, but not free to leave the settlement of their own accord; expected to behave in a 'civilised' manner, but not deserving of the 'civic' rights and responsibilities afforded to non-Aboriginal residents in Australia.

There is an:

unmistakeable difference between the coloniser, represented as the natural repository of preferred knowledge, and the colonised, who lacks such knowledge and is therefore forced to import it... as being for the colonised's own good – in order to become better and act 'properly' – but also so the colonised can better serve the needs of the coloniser (Frenkel, 2008, p. 926).

As a result of this all-encompassing colonial control, the historic non-payment of wages, and the construction of hybridised identities the seeds of resistance were planted that empowered this group of Australian Aboriginals to seek redress through the Stolen Wages Case (Bhabha, 1994).

10. Postcolonial resistance: the discourse of slavery

Bhabha (1990, 1994) places cultural agency at the centre of resistive emancipatory third spaces. These third spaces are situation specific and allow new possibilities to emerge, often against a background of former inequity and antagonism (Bhabha, 1994). Third spaces can also be colonial institutions that are, somewhat paradoxically, used by the colonised to seek redress. Therefore, while participants have a level of cultural agency, it is limited to the legitimacy certain actions are afforded in a given temporo-spatial location or place (Thomson & Jones, 2016). While the Aboriginal Australian pastoral workers faced significant barriers including economic capacity, education, geographic location and cultural issues, we present the Stolen Wages Case class action as a regulatory space where they could provide their account and, using the colonisers institutions, access a form of emancipatory justice (Fukofuka & Yong, 2026).

Opportunities for collective resistance and cultural agency are often more successful when the group members share a communal past (Shohat, 1992). The Stolen Wages Case, specifically identified the 'class' as:

deemed to be Aboriginal or part-Aboriginal, Torres Strait Island or assisted Islander living in Queensland between 2 October 1939–4 December 1972 where their employment or requirement to work was subject to control under Aboriginal or Torres Strait Islander legislation" (Murphy, *J Pearson v State of Queensland* [2020] FCA at [1]).

This collective of former Aboriginal pastoral workers and their families had a shared history of what it was like to experience absolute control over their lives, including having their property, both real and financial, under the supervision and surveillance of the Protector (Murphy, *J Pearson v State of Queensland* [2020] at [52]).

Hybridity emerges in third spaces as novel, albeit mediated and negotiated narratives or meanings. In the Stolen Wages Case, the identity of 'wage labourer' as defined by the State, justified through an elaborate accounting system, was resisted by the Aboriginal pastoral workers who characterised their forced labour with the discourse of slavery. In the Stolen Wages Case, the former Aboriginal Australian pastoral workers argued that their unpaid labour "amounted to slavery within the meaning of section XII of the [original]

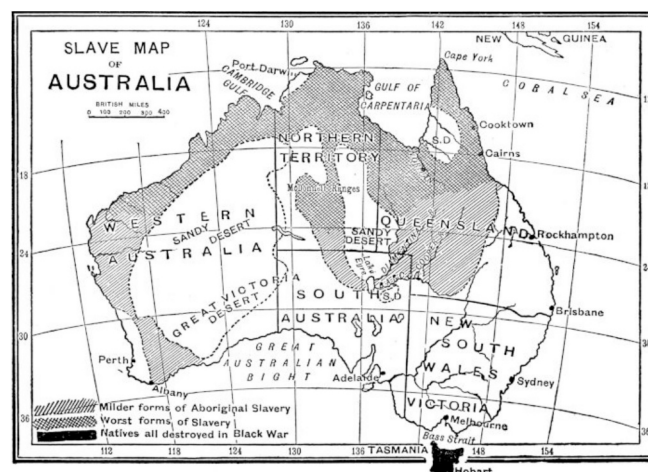


Fig. 1. 'Slave Map of Modern Australia' in Vogan (1890 n.p.).

Slavery Act" (Pearson, 2018, Third Amended Statement of Claim, in Murphy, *J Pearson v State of Queensland* [2020] FCA at [2611]).

The State argued that according to the 1833 Slavery Act 'slavery' was synonymous with *chattel* slavery – the ability to buy and sell a person (Murphy, *J Pearson v State of Queensland* [2020] FCA at [165]). The State contended that since Aboriginal pastoral workers were not bought and sold, *ipso facto* they were not slaves. Further, the State argued that any compulsory work to maintain settlements was reimbursed in kind in the form of housing, food, and medical treatment (Murphy, *J Pearson v State of Queensland* [2020] FCA at [166]). Paradoxically, as a chattel slave the Aboriginal Australian wage labourer may have been far better off and cared for as a productive asset rather than an expense or disbursement in the Protector's ledger account (de Plevitz, 1996).

As demonstrated earlier, following the enactment of the 1833 Slavery Act, innovative and exploitive labour arrangements had emerged in Australia as a form of *de facto* slavery. While understanding well the colonial convict history, most non-Aboriginal citizens of modern Australia would not believe that these examples of Aboriginal slavery could have ever been a part of Australia's social history. A Slave Map produced by a British anti-slavery reporter visiting Australia in 1890 outlines the extent to which Aboriginal *de facto* slavery was still a reality in colonial Australia (see Fig. 1 below).

One of the hallmarks of slavery-like practices is the lack of freedom to leave employment. Under the protection regime it was a criminal offence for Aboriginal pastoral workers living on settlements to refuse work, change their working arrangements, or in fact leave. Aboriginal labour was clearly a relation of domination, and this element of direct force distinguishes slavery from wage labour, not only as a precondition, but as a defining and continuing characteristic (Evans, 1984).

The Stolen Wages Case provided both a textual and oral discursive third space of resistance to the State's colonial narrative of Aboriginal Australians as wage labourers. The fragmented documentation proffered by the State to demonstrate wage payments and disbursements, or to justify in-kind or pocket money was resisted by the persuasive oral testimony of the workers and their families. Regardless of whether payment for labour was in kind or in cash, the class action provided a resolution of a long-standing postcolonial dispute through an intergenerational cultural encounter. Whilst the economic imperative inherent in an offer of compensation was important, the Stolen Wages Case nonetheless provided priceless opportunities to renegotiate postcolonial meanings and relationships (Bhabha, 1994).

11. Discussion

The misnomer of Aboriginal protection allowed the State to establish a racially-based inexpensive labour scheme to support the capitalist endeavours of pastoralists. This system of institutionalised peonage was sustained through the Protection Acts premised on the construction of the Aboriginal Australian as vulnerable and weak, and unable to manage their own affairs, particularly in relation to money. This racial myth has been sustained through the 'great Australian silence' (Stanner, 1968) of coloniser/colonised relations that hides the motives of capital; a colonial economic endeavour that supplied a captive labour force for favoured agricultural industries (de Plevitz, 1996; Evans, 1971a, 1971b; Kidd, 2010).

Previous attempts to resolve the long-term dispute over wages had failed due to the inadequacies and limitations of existing mechanisms. The Stolen Wages Case, based on the coloniser's system of equity and justice, provided the colonised with a new space to engage understandings of contemporary slavery to achieve justice, both compensatory and morally, in the recognition of past wrongs. As an intergenerational encounter, this third space enables the re-creation of a shared history, albeit a story of domination, subjugation, and injustice. Consistent with Bhabha's theoretic the Stolen Wages Case as a third space allowed the hybridity and cultural agency necessary for Aboriginal Australian pastoral workers to achieve emancipatory justice.

The Stolen Wages Case represents a political and emancipatory space where the Aboriginal pastoral worker could encounter the colonised and reconstitute the coloniser's discourse of 'protected' wage labourer (Alawattage & Fernando, 2017). In this cultural encounter, Aboriginal pastoral workers were able to articulate, and have accepted, their different understandings of time, money, and work. The Stolen Wages Case, rather than masking the colonial footprint, recognised the political identity of claimants in a more dynamic and future-oriented manner. And, in doing so, radically transformed the identity of the colonised in modern day Australia from dominated to resisting (Banerjee, 2003; Fukofuka & Yong, 2026).

In recent years, modern slavery¹³ with a focus on corporate labour arrangements in global supply chains has replaced the term *de facto* slavery. However, conflating the post-1833 racially-based and exploitive employment practices recorded in Australia with the current discourse of modern slavery obscures enduring forms of race-based *de facto* slavery that had existed in plain sight in Australia until the 1970s (Caruana et al., 2021). This inherent duality and interdependence between the cultural domination of the coloniser and the concomitant resistance of the colonised provided the basis for our critical study of emancipatory postcolonial politics of race and cultural identity, colonial and postcolonial slavery, colonial institutions and postcolonial hybrid spaces.

12. Concluding comments

Our paper has presented a case of postcolonial *de facto* slavery akin to a form of localised modern slavery. Rather than explicitly recording the Aboriginal pastoral workers as *chattels* or quantifiable and productive assets owned by private interests, the Aboriginal Australian pastoral worker in Queensland was recorded in the accounting system as a 'wage labourer'. The complex system of accounts established under the Aboriginal Protection Acts were not commensurate with the culture, beliefs and knowledge of Australian

¹³ Commonwealth *Modern Slavery Act 2018* (the Act) was passed by the Australian Parliament on 29 November 2018 and entered into force on 1 January 2019.

Aboriginals at that time. The subsequent failures of protectionism and the accounting system to uphold the promises of wage labour sowed the seeds of difference as a basis for their resistance. This resistance is a refusal to accept wage theft and episodes of unpaid work as acceptable. By harnessing the discourse of slavery in modern Australia, the term 'Stolen Wages' represents the State's agency in racially discriminatory practices, rather than mere neglect or malfeasance.

We demonstrate how collective movements of resistance can address some of the intergenerational disadvantage that the historical practices of protection have contributed to. In doing so we used the experience of the Aboriginal Australian pastoral workers in the Stolen Wages Case as an example of emancipatory politics to counter the colonial narratives that persist in modern day Australia. As Kidd (2012, p. 179) so powerfully explains:

[T]hroughout the twentieth century, governments lied to the Australian public about their flawed guardianship of thousands of Aboriginal families; this was no benign paternalism. Governments mishandled the money of the poorest people in Australia who were forced to be utterly dependent on their integrity. Government stonewalling continues this rank injustice; their contemptuous disregard for historical accountability continues the whitewashing from our national history of the mammoth part played by Aboriginal workers, and feeds the pernicious insinuation that Aboriginal poverty today is an outcome of a cultural aversion to work.

In Australia and elsewhere issues of race and slavery are kept in the past, depicted as discrete historical events rather than representing the starting point of a trajectory of racial biases that contribute to the intergenerational deprivations that are endemic in today's postcolonial societies (Annisette, 2020). Often ignoring the historicity and structural impact of colonial racism on the present day, contemporary Australia prides itself on its egalitarian and multicultural society where the very idea of racially based slavery and wage theft would be anathema to the nation's cultural psyche of a 'fair go'.¹⁴ This is partly because of the phenomena long referred to as 'the great Australian silence' where Aboriginal Australians are absent in colonialist Australian histories of the 20th century (Perkins, 2019; Stanner, 1968). This Australian 'silence' has hidden "a functioning, unbroken chain of repression and institutional racist violence" (Blagg & Anthony, 2019, p. 32). Aboriginal Australians are proportionally over-represented in terms of reduced life expectancy, poor health, poor social and economic outcomes, low education results, and incarceration rates (Commonwealth of Australia, 2023). As our case study demonstrates racism, and its fabricated identities of inferiority, is ongoing and, when combined with accounting and other institutional practices, becomes a potent social force (Annisette, 2003, 2020; Annisette & Prasad, 2017).

The Stolen Wages Case was a watershed class action that overcame the hurdle of missing accounting records, made visible the ongoing impact of racist legislation and acts of slavery, acknowledged the distinctiveness of Australian Aboriginal ontologies and epistemologies by legitimating the cultural agency and evidentiary status of oral testimony, justified the calculation of 'reasonable value' for work, and provided a space for a form of accountability through claim-making. The emancipatory work around Aboriginal Australian Stolen Wages in Australia is ongoing, with class action claims being undertaken in most States and territories.

Declaration of competing interest

The authors declare that they have no known competing financial interests or personal relationships that could have appeared to influence the work reported in this paper.

Data availability

Data will be made available on request.

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¹⁴ The notion of a 'fair go' is a recurrent feature in Australian political and cultural discourses. Historically 'Australia' views itself as an egalitarian society where equality of treatment regardless of background, wealth or ethnicity is valued and expected. Under this discourse everyone in Australia has the right to a 'fair go' (Howard, 2023).

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