



IMPERFECT EVIDENCE

Archivists often promote the value of archives as evidence. Archives provide the documentary evidence that historians use to understand what happened and why. They also function as evidence in inquiries and legal proceedings to help establish facts. While we are used to reading in the media of contemporary records being used in this way, records that are decades old and held in archival collections can also function as critical evidence which can affect people's lives

In an issue of *Vital Signs* which focuses on the records of the former Aborigines Welfare Board, it might be appropriate for me to reflect on a current use of these archives as legal evidence.

In December 2004, the New South Wales Government announced that it would establish a scheme to repay Aboriginal people their wages and other entitlements that had gone into trust funds operated by the Aborigines Protection Board and Aborigines Welfare Board between 1900 and 1968, but that had never been repaid.

Young Aboriginal people who had been made wards under the control of the Aborigines Protection or Welfare Board had their apprenticeship wages, child endowment and other payments placed in the trust funds, and were only given a small amount of 'pocket money' — a system that was based on the view that they could not manage their own money. Once they reached adulthood they had to apply to the Board for permission to access their funds, which was not always granted. Some people never even knew that funds were held in trust for them and that they were entitled to claim them.

The Aboriginal Trust Fund Repayment Scheme is evidence based. Claims are paid where there is certainty, strong evidence or strong circumstantial evidence of money paid into trust funds, and no evidence (or unreliable evidence) that money was paid out.

The most important source of documentary evidence used in the scheme is the remaining records of the Aborigines Protection and Welfare Boards, now a part of the State archives.

The heavy reliance of the repayment scheme on these records highlights both their strengths and their weaknesses as a source of evidence for this kind of purpose.

Their chief strength is that a sufficient proportion of the Boards' records have survived to provide a viable foundation for an evidence-based scheme. However, the patchy nature of the surviving records is a major source of weakness: it means that, inevitably, there will be no evidence available (or no useful evidence) in the official record to support some people's claims.

Fortunately, one of the major gaps in the record can now be closed, following the discovery earlier this year of a significant holding of previously unknown Aborigines Welfare Board correspondence files among the records of another Department in the State archives. With funding from the NSW Premier's Department, State Records is undertaking a project to list, index and copy these records so that they can be used by the repayment scheme as soon as possible.

Another source of weakness is the varied administrative origins of the records. They were generated for a wide range of purposes associated with the Boards' functions over many decades. Consequently records that may be relevant to a particular claim are scattered across many parts of the collection; there is nothing even remotely approaching a comprehensive dossier on each Aboriginal person under the Boards' control.

So, exhaustive indexing is needed to make the records useable in a practical sense. One of the contributions of the NSW Department of Aboriginal Affairs to the repayment scheme is a program of indexing those parts of the records that are not already indexed.

Archives may not be perfect evidence, but sometimes they are the best evidence we have. Imperfect as the archives of the Aborigines Protection and Welfare Boards are as evidence, it is hard to think of a better reason for keeping them than to help right longstanding injustice.

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