

Stolen Wages Update 5

JANUARY 2005

Budget claim for stolen wages resources

A claim for resources which will assist in working towards closure for the stolen wages issue has been lodged with Queensland Treasurer Terry Mackenroth.

The mini-budget submission, which is in line with the State Labor Party Platform document on the issue (see page 2), was generated after members of the Stolen Wages Campaign Working Group were informed by DATSIP officers in December that there were "no resources" to support continuing community-based negotiations on the matter.

With the support of the Queensland Council of Unions (QCU) and the Aboriginal Local Government Association of Queensland (ALGAQ), the Working Group has therefore taken their claim straight to the Treasurer.

Working Group member, claimant and elder Aunty Ruth Hegarty said more than six months after the Labor Platform had been ratified by the State Labor Conference nothing appeared to have changed.

"We've had a series of meetings with the Minister and the Department and despite being asked to prepare a document outlining a way forward and the resources needed to do that, we got a point-blank 'no' when we last met with them in December," she said.

"But we've put more than two years of work into getting as far as we have and we're not going to go away."

In May 2002 the Beattie Government made a capped offer of \$55.6 million as reparations for Aboriginal & Islander workers who had their wages and savings controlled by previous governments. People who wish to claim against the \$55.6 million have until the end of this year to do so.

The offer was made because of practices which until the early 1990s saw much of the money earned by Aboriginal workers, including station hands, domestics and even soldiers, held in trust by governments and from there either withheld or bled into general operating revenue.

The missing, unpaid and underpaid wages owed to workers and their families have been known since the early 1980s as 'stolen wages'.

But despite the Beattie Government's attempt at closure in 2002, the offer amounting to \$2000 or \$4000 for each individual alive at the time, was seen as being inadequate and insulting by many of the former workers, their families and the union movement.

"We know there are many people out there who are

dissatisfied with what's been offered and we know there's a lot more people out there who feel they have got a claim against the state for the wages and savings which were taken from them and their families," Aunty Ruth said.

"All we're asking for is that the government take our concerns on board and go out to the community again to hear what they have to say about how this matter can be finally put to rest.

"The Minister has indicated she is willing to work with us towards closure and we would hope that she would support this claim."

Last year Minister Liddy Clark told with the Working Group on numerous occasions she was keen to be involved in regional forums which would work towards closure on the issue.

ALGAQ Interim-President Vince Mundraby said it was time now for the government to make a firm commitment.

"We want to encourage Mr Mackenroth to continue implementing reconciliation initiatives in Queensland by adequately funding community ideas about how the stolen wages issue might be resolved," he said.

Union Support

Queensland Council of Unions Assistant General Secretary Chris Barrett said the QCU had "applauded" the government's first steps towards monetary reparation.

"However, we have always said that the initial money made available should be considered a down-payment," he said.

"QCU strongly supports the stolen wages budget submission and calls on the government to implement these measures and work with indigenous communities towards a just solution to this issue.

"It's an issue that desperately needs closure so that people can move on."

He said the QCU would continue to support indigenous organisations who were striving to achieve justice for workers and their families "who were wrongly paid or not paid at all for their hard work".



Vince Mundraby

VALE JAN LACEY: The Stolen Wages Working Group Executive is truly saddened to report that Australia Asia Worker Links Coordinator for the Stolen Wages Project passed away suddenly on Monday 17 January 2005. The Stolen Wages email lists and many other aspects of what has been achieved since early 2003 would not have been possible without the very hard and effective work Jan Lacey and AAWL have put into building and supporting the stolen wages campaign. The Stolen Wages Campaign Working Group executive, particularly those who worked closely with her (Alf Lacey, Peter Guivarra and Lanora Jackson) and members (particularly Christine Howes and members of the Aboriginal Local Government Association of Queensland, previously the Aboriginal Coordinating Council), would like to extend their deepest sympathy to her family, friends and comrades. Her work was a truly great contribution towards justice for Aboriginal people in Queensland and across the country. She will be greatly missed. Australia Asia Worker Links sent the following message: In lieu of flowers donations were made to the AAWL Stolen Wages Project via Commonwealth Bank of Australia BSB 06 3123 Account 10034866 Ref: CSW Messages of condolences may be sent to aawl@aawl.org.au

Qld Labor came to the party

After two years of campaigning for support from unions and community groups around the country, last year's Queensland's Labor Party conference passed a resolution in support of the three main messages identified by the Stolen Wages Campaign Working Group.

While any resolution from the conference is considered by the government to be no more than 'advice', Aboriginal & Torres Strait Islander Policy Minister Liddy Clark indicated at the time she was willing to work with community people across the state to find closure on the issue as quickly as possible.

Working Group members, including elder Aunty Ruth Hegarty, 4AAA Manager Tiga Bayles and QUT lecturer Victor Hart after meeting with Minister in June said it seemed the door was open and dialogue with the Minister had begun.

In a media release given the 'okay' by the Minister's office, Mr Bayles said the working group had felt positive about the government's renewed commitment.

"This is a very positive step in the right direction and the message we have is that the door is definitely open," he said.



Members of the Stolen Wages Working Group (L-R): Peter Guivarra, Aunty Ruth Hegarty, Bob Weatherall, Yvonne Butler and Alf Lacey meeting in Brisbane in July.

"The Minister has made it clear she wants Aboriginal people to feel okay about this process and she wants to talk to people about what their issues are.

"It's taken just over two years to get to the table on this and as the news of this gets out it will go a long way towards restoring confidence."

The emphasis of Working Group meetings since then has been on how to inform community people about the Minister's offer to listen and consult, and how to facilitate those consultations.



Woorabinda community and Justice Group members discuss the stolen wages campaign

How the resolution came about:

The resolution, which is now part of the party platform, was built on previous resolutions including one from the national indigenous union group who met in September 2002.

The resolutions were then adopted by many of the unions involved at a national level.

The QCU resolution of November 2002 put it on the path to entering into ALP processes. The issue was raised twice by the Ipswich Regional Conference (ALP) who endorsed and progressed the original resolution in both 2003 and 2004. From there it was referred to the ALP Social Justice Committee, then to the ALP Indigenous Reference Committee and on to the 2004 State Conference in early June, where it was passed unanimously.

Queensland Labor - State Platform Document - 2004 [excerpt]

9.3.22 In relation to reparations for wages and savings, Labor will:

- (a) provide for public recognition for the injustices endured by many Aboriginal and Torres Strait Islander Queenslanders affected by successive governments' control over their wages and savings;
- (b) support and make payment of financial reparations, and will view the existing offer as a first step to full reparation;
- (c) establish a formal consultation process to examine the adequacy of the original process and the current reparations package. This process will:
 - i. consult extensively with indigenous organisations, community groups and relevant individuals to determine the conduct of this consultation process in a culturally appropriate way;
 - ii. involve approaches that are inclusive of as many indigenous organisations, community groups and relevant individuals as possible in order to redress the deficiencies of any previous processes;
 - iii. consider the experience of other jurisdictions in resolving the wages and savings issue;
 - iv. examine the capacity of government to include the families of deceased workers affected by the wages and savings issue in some form of reparations;
 - v. consider the legal rights of Aboriginal and Torres Strait Islander workers to pursue claims notwithstanding any financial reparations already paid;
 - vi. ensure that any further recommendations for reparations are in the form of additional initiatives and not instead of other necessary spending in the Aboriginal & Torres Strait Islander portfolio;
 - vii. make recommendations for the negotiation of full closure of the wages and savings issue with Queensland's Aboriginal and Torres Strait Islander communities.

2004 TIME LINE ... What happened next...

A continuation from previous Stolen Wages Updates which are available in PDF format from the ANTaR Qld website at <http://www.antarqld.org.au>

January 19 Adrian McEvoy and Bruce Gibson announce their Qld state election candidacies for the Seats of Brisbane and Cook respectively, on platforms of support for the stolen wages campaign. The Greens announce the stolen wages issue is a 'key reason' for their decision not to distribute preferences to the Labor Party.

January 30 More than 50 Townsville community elders and representatives meet and agree to back the stolen wages campaign.

February 4 National Indigenous Times publishes details of a leaked document exposing the NSW government's longstanding knowledge of the extent to which wages and benefits were 'stolen' or withheld from Aboriginal people across the state over a 70-year period. Senator Aden Ridgeway calls on the NSW State Government to "avoid the conflict and heartbreak" the stolen wages offer produced in Queensland and to do the right thing for NSW Aboriginal people.

March 6 SWWG member Lanora Jackson speaks to Melbourne's International Women's Day Rally. During the same week Aboriginal Coordinating Council Chair Peter Guivarra meets with ACTU President Sharan Burrows, VTHC Secretary Leigh Hubbard, other Victorian union members and AAWL.

March 12 Premier Bob Carr makes a formal apology in the NSW Parliament to Aboriginal people forced to pay millions into government trust funds between 1900 and 1970 whose money was never returned to them.

April 7 BBC World News publishes a stolen wages feature 'Aborigines fight for their money back' <http://news.bbc.co.uk/go/pr/fr/-/2/hi/asia-pacific/3590553.stm>

April 28 SWWG and ANTaR Qld call on the Queensland Council of Unions to renew their commitment to the stolen wages issue.

May 3 (Qld May Day) QCU Townsville Secretary Ros McLennan focusses on the stolen wages issue. Marchers in Brisbane are led by a stolen wages banner at the invitation of the National Tertiary Education Union (NTEU) and Premier Peter Beattie is heckled by protesters calling on him to do more about the stolen wages.

May 5 NSW Premier Bob Carr announces the establishment of a panel to assess the payment of lost and stolen wages to Aborigines. The Qld SWWG says the NSW offer "outstrips" the Queensland offer.

May 27 Reconciliation Week is launched in Queensland to a stolen wages theme.

June 12 Queensland Labor Party State Conference passes a resolution supporting further consultation on the stolen wages issue.

June 18 Stolen Wages Working Group members meet with ATSIP Minister Liddy Clark for the first time (see story on page two).

June 30 The Queensland's Aboriginal Coordinating Council's project doors are closed and wind up is initiated. The organisation continues to exist in legislation only until 1 January 2005. An independent replacement body, the Aboriginal Local Government Association of Queensland (ALGAQ) is formed over the next few months with interim President Vince Mundraby acknowledging the stolen wages as an important issue for communities across Queensland.

August With an election looming ANTaR National publishes the Liberal/National Coalition response to the question of stolen wages which was: The States and Territories are addressing the question of "stolen wages". The Government does not have any knowledge that the Commonwealth ever acted in breach of its legal obligations toward Indigenous people.

August 17 The full text of the Queensland Labor Party Platform is made available to the Stolen Wages Working Group.

October The Working Group finalises a position paper in response to the Qld Labor Platform document. The paper is supported by the Aboriginal Coordinating Council's final full council meeting, ALGAQ and other communities across the state.

October 16 The Public Interest Advocacy Centre's Submission to the NSW Panel on the Aboriginal Trust Fund Reparation Scheme becomes available at: http://www.piac.asn.au/publications/pubs/stolenwage_20040922.html

October 26 Members of the SWWG meet with Minister Liddy Clark and DATSIP officers to discuss the position paper. The SWWG is subsequently asked to clarify what resources will be required to progress 'Ongoing Issues'.

November/December The SWWG holds a series of meetings in preparation for meeting with DATSIP officers on December 15 "to find common ground", the Working Group sends DATSIP a resourcing document for progressing closure on the issue and DATSIP sends the working group a response to the position paper. No progress is made.

December 15 The NSW Government announces it has accepted all the recommendations of the report of the Aboriginal Trust Fund Reparation Scheme panel.

WHAT THEY SAID...

"How can anyone talk about the onset of welfare dependency and poverty and completely ignore the history of governments stealing Aboriginal wages for their own use?" **Bruce Gibson, Independent Candidate for the Qld Seat of Cook, February 2004**

"There is no resistance on the part of the NSW Government to return the money. If there is a way of returning money to these people we will do it." **Carmel Tebbutt, NSW Minister for Community Services, March 2004**

"When in the years up to 1969 Aboriginal people sought to gain access to their accounts they were rarely paid. After 1969 payments ceased completely. For those reasons I take this opportunity to formally apologise to the Aborigines affected and offer the assurance that any individual who can establish they are owed money will have it returned." **NSW Premier Bob Carr, March 2004**

"This situation is especially disgraceful in the context of the poverty experienced by many indigenous Australians today, and unionists urge the community to join with us through the Stolen Wages campaign to right this past wrong." Ros McLennan, Qld Council of Unions Townsville Secretary, May 2004

"These workers, who include my father, want recognition for their work, they want a better deal than the one that is currently on the table and we've never been happy with the Government's claim that this offer has been made in the name of reconciliation." **Lanora Jackson, SWWG, May 2004**

"Aboriginal people simply want what they are owed. It has taken many years and a long commitment by Aboriginal people to expose government denials to get to this point." Ian Cohen, Greens MLC (NSW), May 2004

"We all worked for different periods of time and under different conditions, we all got shifted around and told what we could buy or not buy and how we could buy it, we missed out on our child endowment and other payments but according to Peter Beattie that \$4000 pittance he has offered us should be the end of the matter. ... It's good to see the NSW Government has not followed the Queensland Government so far in this regard." **Aunty Ruth Hegarty, SWWG, May 2004**

"The Queensland Government needs to do better with real negotiation with claimants, and a genuine offer of reparation if the blight of stolen wages is to be properly resolved." **Senator John Cherry, July 2004**

STATE OF PLAY IN QUEENSLAND 14/1/05
Total number of claims received 7426
Number of claims assessed 5762
Number of claims assessed as eligible 4128
Number of claims assessed as ineligible 1634
Number of claims paid 3525
Source: <http://www.datsip.qld.gov.au>

Reparations in NSW - a quick comparison

National Report & Legal News

from Dr Ros Kidd

Work is underway on a National Report into Aboriginal labour, wages, and entitlements. From this summary, we intend to demand a fully funded independent National Inquiry.

Volunteers in each state are now compiling summaries of the relevant laws and regulations so we can compare legal authorities and obligations with official practices.

We are making lists of relevant file numbers and, where possible, copying some of the evidence. If you can assist in this project please contact Ros Kidd (roskidd@linksdisk.com or phone 07 3880 3867).

A format for the questionnaire is being finalised so we can include comments from the personal experiences of people who wish to be part of the study, even if they wish to remain anonymous in the Report. Early in the year we will work with ANTaR organisations in each state and territory to hold information sessions to explain the Report and identify people who want their stories to be available for inclusion.

We hope to locate legal firms in each state and territory to investigate without charge personal claims for compensation for lost wages, savings, etc.

Legal advice

Queensland claimants have until the end of 2005 to apply for the government's payment of \$2000 or \$4000 for Stolen Wages. If you accept this payment you cannot take further legal action for greater compensation.

If you think you might be due more than this amount and want to discuss possible court action,

you can get free legal advice from QPILCH (a group of social justice lawyers). Email: contact@qpilch.org.au. Phone: Tony Woodyatt - 07 3012 9773. If your lawyer advises you do not have a strong claim, you can still apply for the government offer before the end of 2005. Several cases are currently being investigated.

The NSW reparations scheme will pay back monies identified as still owing to workers, mothers etc. People can still pursue legal action if they feel they are due greater compensation. Claimants for NSW can contact the Public Interest Advocacy Centre. Email: piac@piac.asn.au. Phone: Shaz Rind - 02 9299 7833.

Queensland

- Offer made on a 'take it or leave it' basis after more than ten years of negotiations and research
- A capped offer of \$55.6m
- One-off individual payments of \$2000 or \$4000 depending on age
- Payment only offered to those living on and after 9 May 2002
- Oral evidence or affidavits only accepted in exceptional circumstances
- Payment dependent on the signing of a legal indemnity
- Apology offered on acceptance of payment
- A three-year process
- Failed applications receive a letter in the mail and a 1800 number to call

New South Wales

- Offer a result of a three-member panel report after consulting with communities across NSW and acceptance of NGO & organisational submissions
- No cap
- No limit to individual payments which will be made on present day dollar value terms according to records
- Families of deceased workers are able to lodge a claim
- Oral evidence accepted
- No indemnity
- Apology made in Parliament
- A five-year process
- Money will be made available to NGOs to assist people through the process of making a claim and where counselling may be needed

Sources: Qld Hansard 16 May 2002; <http://www.datsip.qld.gov.au>; <http://www.atfrs.nsw.gov.au> & SBS 'Living Black' current affairs program 14 January 2005 (see <http://www20.sbs.com.au/news>)

WHO TO CONTACT FOR MORE INFORMATION:

Keep up to date with developments and find out what you can do from the following people and organisations:

The Queensland Council of Unions: (07) 3846 2468: <http://www.qcu.asn.au>

ANTaR Qld: (07) 3844 9800 <http://www.antar.qld.org.au> Contact: antarqld@dovenetq.net.au

Australia Asia Worker Links: <http://www.aawl.org.au> Contact: aawl@aawl.org.au

For email information and contacts for the Stolen Wages Working Group and its executive, contact Christine Howes on 0419 656 277 or to join the Stolen Wages Update list email chowes@hotmail.net.au

Background Information: Dr Ros Kidd: <http://www.linksdisk.com/roskidd>