

**SUBMISSION TO THE LEGAL AND CONSTITUTIONAL REFERENCES (SENATE)
COMMITTEE:**

**INQUIRY INTO INDIGENOUS WORKERS WHOSE PAID LABOUR WAS CONTROLLED
BY GOVERNMENT [STOLEN WAGES]**

Name: Yvonne Butler.

Date: July 27th 2006.

SUMMARY:

I have tried to address the terms of reference directly, within each section.

I have included details of my own childhood, to try to convey a sense of the impact of the deprivation caused by my father having to live and work away from our family, and the impact of my mother's long hours for such little pay and the way in which she had to almost beg to receive monies owed to her. I have included this story under the term relating to abuse, because I feel that the treatment we received was clearly abuse which was perpetrated by those in charge.

I have been working on recovering Stolen entitlements for two years almost full-time, meeting communities and trying to assist those that have suffered from the impacts of Stolen Wages and other entitlements.

I am offended by the Queensland Government's reference to any reparations being 'taxpayers' money'. No taxpayers' money is being sought. What is being sought is the return of monies and assets obtained through these monies, in a similar manner to current legislation operative in all states of Australia, regarding confiscation of the proceeds of crime.

After 29 years of formal struggle, we need help to achieve justice. The ignorance by decent Australian citizens of our plight is testament to our lack of resources and the effectiveness of the government in so-far burying its shameful past.

I have included my recommendations in the final section (i) about the need to set the record straight.

I wish to express my gratitude that the Senate is holding this Inquiry, and convey my hope that the sadness of this exploitation will be in some way diminished through meaningful action as the result of this Inquiry.

MY SUBMISSION:

I make this submission on my own behalf and also on behalf of my immediate family and my extended family who are from the Warrungnu tribe from the Herbert River Gorge area north-west of Cardwell Queensland. My tribe now resides in Mount Garnet on the Atherton Tableland.

My immediate family comprise:

- Rita Jackson nee Rankin-my mother.
- Betty Payne, nee Jackson-my sister.
- Toby Rankin-my grandfather (deceased).
- Patrick Rankin-my uncle (deceased).
- Jubilee Jackson-my father (deceased).
- Eileen Jackson-my sister (deceased).
- Lucy Blohm, nee Jackson-my sister (deceased).

I am prepared to give evidence at a public hearing. I do not require this submission to be kept confidential. I have thousands of pages of supporting material should they be required.

TERMS OF REFERENCE:

WITH REGARD TO INDIGENOUS WORKERS WHOSE PAID LABOUR WAS CONTROLLED BY GOVERNMENT:

(a) THE APPROXIMATE NUMBER OF INDIGENOUS WORKERS IN EACH STATE AND TERRITORY WHOSE PAID LABOUR WAS CONTROLLED BY GOVERNMENT;

I have no direct information on this issue. From my involvement in the Queensland Stolen Wages campaign, QAILSS (Queensland Aboriginal and Islander Legal Service Secretariat) advised that there were around 20,000 Indigenous people in Queensland, who were still alive when the offer was made in May 2002 who fit this category.

WHAT MEASURES WERE TAKEN TO SAFEGUARD THEM FROM PHYSICAL, SEXUAL AND EMPLOYMENT ABUSES AND IN RESPONSE TO REPORTED ABUSES;

No-one protected us.

We grew up knowing not to complain. Unless you had a really good station owner, the only other person you could complain to was the policeman (the protector). If you did, you were seen as a troublemaker, and anything could happen to a troublemaker-you could be sent away, taken from your family, sent to work somewhere else, or sent to Palm Island. I am not aware of anyone who ever complained that had anything done to fix their complaint. I grew up hungry. My hunger and malnutrition were a direct result of my family not being paid their full wages and entitlements.

When my mother worked at the Lucey's hotel, as a laundress, and occasionally she would bring home scraps, which would almost be the only good food I ever had.

I can remember at school being given brown envelopes by the teachers to give money for starving children overseas-it was called something like mission work or the save the children charity. I think the kids were in Africa. We used to run home and try to find little coins we could donate-we didn't realise that we were starving children then.

My mother could draw 10 pounds a month against her wages. My elder sisters started work when they were 12 or 13.

When I was 8, in 1957 I was admitted to Atherton hospital suffering from malnutrition and was kept there for about two years. I can remember the welfare worker asking what my mum gave me to eat. I used to tell her sausages and potato, and make up stories about what I thought was good food. Even then welfare was scary, and I knew if I said what we really eat, there was a threat of being taken away to an orphanage so I lied to survive.

I loved my mother and she provided for us the best she could. Mum looked after six girls while my father, Jubilee Jackson, spent the whole year working on a cattle station-he only visited for about 2 days a year otherwise we never saw him. Two of my sisters were not under the Act, Maureen and Shirleen. Dad came home for the first Sunday in July every year. He would get there on a Friday and on the Sunday our extended family would meet at Mareeba for a big reunion and on the Monday he would leave for the cattle station-this was the only time I saw my father every year. On rare occasions he would come in for Christmas and New Year.

Mum worked five and a half days a week, long days using a wood copper and it was heavy work. I think she used to leave around 7 AM and get home around 6 PM at night, and it took about 30 minutes for her to walk to work, so I reckon she used to work around 10 hours a day. My mother basically didn't drink alcohol (except for a rare occasion) or buy anything else so her whole wages were spent on the family.

The only visitor I had in hospital was my sister Betty who was around 14 then. She used to come every fortnight and stay for a few hours. I have no idea how she got there but she used to travel from Mt. Garnet, which was about two and a half hours each way. Around 4 AM she caught the mail car to

Ravenshoe, and then caught the train to Atherton at 11.30 AM, and she would arrive back at Mt. Garnet around 4.30 PM.

My school principal Alex Morrison visited me once and I had no other visitors.

In hospital I had to drink a lot of egg-flips and some strange medicine to make me eat. It seems ridiculous now reflecting on this that the authorities were pretending that my malnutrition was from my mother's neglect when the only cause of it was my mother being paid such little amounts from her wages.

My removal to hospital for such a long period has affected me to this day. I remember I used to cry myself to sleep at night and I felt abandoned, and I have been a loner ever since, not trusting others fearing separation. When my three sisters passed away I couldn't cry and I think this is because I had learnt to contain my feelings and emotions, from this separation experience. It took me 22 years before I would go back to Mt. Garnet. I ran away in 1967 and except for one visit in 1989, I only returned for six funerals around 1997 & 1998-my sisters Shirleen, Maureen, Lucy and two nieces and a nephew. I am only just starting to deal with this now.

We had no shoes in winter and used to get stone bruises on our feet, and frostbite on the top of our feet.

We had thin grey blankets and slept on a damp floor. The men crushed ant beds to make the soil harder for the flooring of the shack. We used whatever material we could to cover this. There were no mattresses and the windows were opened with a stick. At the other end of the shack was a wood stove.

My family was all girls and we used to carry water in steel milk buckets up a 150-metre hill, dragging it because we couldn't lift it.

Dad sent money occasionally, but I don't know how much.

We used to eat dried salted corned beef-it was like cardboard. We had no fridge, so the only meat we had was dried or salty beef. We didn't really eat much traditional Aboriginal food but sometimes we found witchetty grubs, tamarind and yams. About the only time we got vegetables was when Mum got her recreational pay, once a year. Mt. Garnet was very dry and there wasn't much grown there like vegetables.

There were no menfolk in town to hunt kangaroos in the mountains, as they were all away working on cattle stations.

We used to fish in a waterhole, and if we didn't have a reel of cotton, I used to unpick the hem of my dress to get cotton for a fishing line. We used safety pins as hooks and built stone walls as fish traps then the other kids chased the fish into the traps. We mainly caught little silver brim, about six inches long, and boiled them up and made fish soup and johnnycakes, sort of like fried scones, just with flour and water.

I still think my sister Eileen died from her poor diet.

I remember once when Dad came home and saw my sister Betty, and how skinny she was, he took her up to the police station and pointed out to the policeman (who I presume was also the protector) how skinny she was, complaining that he should help. Nothing ever came of that and we didn't get more food.

My lack of education was the direct result of the way I was treated by authorities, and money was withheld from me, so that I didn't have the opportunity or choice to study. Education is the greatest single weapon to overcome disadvantage and the impact of this denial of education affects me and other Indigenous people to this day.

To have been kept in slavery has left terrible scars, and to have to live with the aftermath of this slavery, in a supposedly civilised society, compounds the indignity and deprivation enforced in another era.

Watching my family affix fingerprints to forms when they were asking for their own monies was barbarian and traumatic.

(b) ALL FINANCIAL ARRANGEMENTS REGARDING THEIR WAGES, INCLUDING AMOUNTS WITHHELD UNDER GOVERNMENT CONTROL, ACCESS BY WORKERS TO THEIR SAVINGS AND EVIDENCE PROVIDED TO WORKERS OF TRANSACTIONS ON THEIR ACCOUNTS;

I don't know what happened to my wages. I was given pocket money, and never knew how much I should be paid, and never knew whether I had other money held for me. I never saw any records.

I was multi-skilled and usually did several jobs each day including being a Governess, office work, cooking, cleaning, and herded the milking cows in the afternoon.

Wages were sent directly to the police station. You could ask your boss for money out of what was called 'pocket money', and in town you could ask the police for some of your own money and it was up to them if they gave you any.

EVIDENCE OF FRAUD OR NEGLIGENCE ON INDIGENOUS MONIES AND MEASURES IMPLEMENTED TO SECURE THEM; IMPOSITION OF LEVIES AND TAXES IN ADDITION TO FEDERAL INCOME TAX;

From my father's wage records, there were eight withdrawals in one day in 1955. He used to have to walk about two kilometres each way to the police station to make a withdrawal, and according to the records he did this return trip eight times in one day on 15.11.1955. This sounds implausible as the protector often refused requests for monies without giving any reason, so the likelihood that he would have given Dad money eight times in one day is remote.

When I was growing up, whenever a new policeman came to town he would often arrive in a beaten-up old car. Within six months he would be driving around town in the latest model car. You couldn't avoid seeing this and we all believed that he had taken our wages to buy the new car.

From later research, I have read of a policeman being convicted of fraud for stealing these wages. Sergeant Kevin Mead, formerly officer in charge of Mt. Garnet police station, was charged with 64 counts of Forgery and Uttering and was convicted in Cairns Magistrates Court around August 19th 1969. A press report in the Brisbane 'Telegraph' of December 4th 1968, states "They examined withdrawal sheet 27431. There were no names in the witness column behind the names of Billy Le Grand.....and Rita Jackson [my mother]." Mead admitted spending the money. The Crown reduced the charges to 3 indictments, of 2 counts each, totalling \$180, and Mead changed his plea to guilty, and was sentenced to one year's imprisonment on each charge, to be served concurrently. The value of the identified missing monies exceeded \$4,000.

(c) WHAT TRUST FUNDS WERE ESTABLISHED FROM INDIGENOUS EARNINGS, ENTITLEMENTS AND ENTERPRISE; GOVERNMENT TRANSACTIONS ON THESE FUNDS AND HOW WERE THEY SECURED FROM FRAUD, NEGLIGENCE OR MISAPPROPRIATION;

I have learned from consultants' information that the Aboriginal Welfare Fund was used for community enterprises; the Aboriginal Provident Fund was administered by the protector from August 4th 1919 to 1967. The evidence shows that single non-settlement workers had 5% of their wages removed and paid into this account, and married workers had 2.5% paid into this account.

I don't know what the government did with this money-we were always told it was going to Brisbane, and we heard about the Chief Protector, but no-one ever saw him-he was a phantom.

I am told there is more than \$10 million in this fund at present.

(d) ALL CONTROLS, DISBURSEMENT AND SECURITY OF FEDERAL BENEFITS INCLUDING MATERNITY ALLOWANCES, CHILD ENDOWMENT AND PENSIONS, AND ENTITLEMENTS SUCH AS WORKERS COMPENSATION AND INHERITANCES;

MATERNITY ALLOWANCES:

From 1941 to 1947 my mother was not paid maternity allowances because she was a full-blood Aboriginal who was therefore not allowed to receive this allowance.

CHILD ENDOWMENT:

This was sent to the protector. Mothers would go to the police station to ask for this money. I was recently told the story of my aunt Naomi Hooligan at Mt. Garnet, who had about 6 kids, going to the police station and asking for this money. The policeman was a German named Constable Goose and when he wouldn't give her this money she grabbed him, abusing him for not giving her this money.

PENSIONS:

My sister Betty told me recently that our father didn't receive his full pension because our mother was earning too much and he got a half pension only. I have no other knowledge of pensions and no idea if anyone ever received their entitlements.

WORKERS COMPENSATION:

My father Jubilee Jackson received some workers compensation, but I have no idea how much or if he received his full entitlement.

INHERITANCES:

In 1947 my grandfather Toby Rankin left an estate of 623 pounds 3 shillings and 4 pence to be distributed equally between 11 people, with 56 pounds 9 shillings and 6 pence to each beneficiary. The records show that 17 pounds 10 shillings was withheld from my mother's (Rita Jackson) share, to repay a maternity allowance she had been paid by mistake, as she had not been entitled to it, as she was a full-blood Aboriginal.

My sister Betty is still alive and states she has not received any money from this estate. Although I have sighted a copy of a letter from the Director of Native Affairs to The Protector of Aboriginals Ingham, dated 13th October 1947, stating that all accounts of beneficiaries should have their accounts credited with this amount, and ... "Identification numbers have been allotted to Lucy Jackson, Eileen Jackson and Betty Jackson as shown and no operations should be made on their accounts or on the accounts of the children of Nellie Kennedy....." On the face of this, it is likely that none of the other beneficiaries received their inheritances either.

(e) PREVIOUS INVESTIGATIONS BY STATES AND TERRITORIES INTO OFFICIAL MANAGEMENT OF INDIGENOUS MONIES;

I have read about the New South Wales panel making enquiries into stolen monies, and am aware that other states are also starting to make similar enquiries. I became involved in the Queensland Stolen Wages campaign in February 2003.

I have seen the terms of the NSW panel, which highlight the differences in the NSW approach. The NSW approach includes no cap to the total amount offered, no limit to individual payments, families of deceased workers are entitled to claim, oral evidence is accepted, no indemnity to the government is required in order to claim, funds are made available to non-government organisations to assist claimants, an apology made in Parliament, and a five-year process. This scenario when compared to the Queensland government's terms shows how inequitable the Queensland terms are.

(f) CURRENT MEASURES TO DISCLOSE EVIDENCE OF HISTORICAL FINANCIAL CONTROLS TO AFFECTED INDIGENOUS FAMILIES;

I am not aware of any proactive measures taken by the Queensland government to provide this information.

I am advised that the Queensland government has refused to supply documents within its possession which would assist in identifying claims.

THE EXTENT OF CURRENT DATABASES AND RESOURCES APPLIED TO MAKE THIS INFORMATION PUBLICLY AVAILABLE;

I believe there must be a paper trail available somewhere.

There is no evidence that the Commonwealth Savings Bank has ever been asked to produce its records and as this bank was the banker for many of the monies, its records would be instrumental in showing the movement of monies. Savings Account titled Chief Protector of Aboriginals-Queensland Aboriginals, Account No. S2127 was opened on May 12th 1933, and appears to have handled the bulk of government transactions. These records could be compared with records of monies that were meant to have been deposited against what monies were deposited, and could provide direct confirmation of the extent of misappropriation wherever records could be matched.

The movement of monies through the Commonwealth Savings Bank accounts would provide an external source of information, to provide a comprehensive picture of gross movements of monies and could provide a baseline to track funds movements.

The Final Report of The Consultancy Bureau dated March 1991, Attachment 1.5, states that by memorandum dated 16th May 1933, to All Protectors of Aboriginals, all monies held in Savings Bank Accounts of aboriginals were to be transferred to this account [S2127]. At the end of 1933, two aggregate Savings Bank Accounts were in operation, S031 for Brisbane and Settlement Natives & S2127 for Country Natives.

The report further states "In 1935/36 the Brisbane Natives were included with the Country Natives accounts which was eventually renamed the Queensland Aboriginals Account with the new Account No. 09 0472."

The same report on page 11, states that "The internal Savings Bank Scheme became operational from 07/06/33. The Savings Bank Accounts of individual natives were closed on 31/05/33 and one account covering the operations of Brisbane, and the three settlements of Cherbourg, Palm Island and Woorabinda was opened (Savings Account S031). The setting up of this one savings account resulted in the closing of individual savings Accounts for Cherbourg (S1860), Woorabinda (S1859) and Palm Island (S1858)."

When Sgt. Kevin Mead appeared in court charged with 64 counts of Forgery and Uttering, the press article stated that representatives of the Commonwealth Bank were in court.

Another applicant, Dawn Daylight from Brisbane, was sent a photo of the 1974 floods stating that key records were damaged in this flood. An inspection by an independent party of the damaged records would be helpful, along with full details of what records were allegedly held there.

I was advised at a meeting I attended in October 2004, with Christine Kelly and Michael Tollhurst of DATSIP, that the records showed that various parties had received funds from these accounts, including:

- Townsville City Council 80,000 pounds
- A Radium Institute 45,000 pounds
- Toowoomba City Council 100,000 pounds
- Rockhampton Council 50,000 pounds
- Surat Council
- The Electricity Board
- The Hospitals Board, etc.
- Hospitals built from our wages include Cairns, Townsville, and Redcliffe in Brisbane
- Many 'Welfare' houses for Aboriginals were bought from the Aboriginal Welfare Fund & occupants have been renting some of these houses for over thirty five years.

My husband asked if these monies had been repaid and they said that they had. He then asked for evidence of this and they said they would supply it, but they have not supplied any evidence at all.

The first port of call is the Queensland State Archives Office. Although it can be easy to get records, many key records are held in a restricted area, and accessing these is cumbersome requiring formal written applications to obtain consent to see them.

I do not know how many records are there or what type of records are held.

There are many parties involved in trying to reconstruct an overall picture. An independent audit providing a picture of all records that were available, those that are available (and those that are not with explanations of what happened to them and who is responsible) would enable calculations to provide a reasonable basis of estimation of entitlements on an actuarial basis, so that settlement negotiations could proceed on a transparent and sound basis.

I know of records containing a set of three books which include permits, an employers' accounts payable deposit book, monies going to protectors, employment agreements, and details of cheques sent to police stations, relating to Commonwealth Savings Bank account S-2127.

I think these records came from a health-related program, and have not previously been disclosed, which indicates that there are other sources of information within the possession of the government that it is not providing.

The police were paid bonuses based on how many Indigenous people were supposedly in their protectorate. I do not know of any evidence supplied that covers this subject. I would think that such a system would have created fertile ground for financial benefit for crooked police, and would be a key source of information to enable any meaningful reconciliation to take place.

There are broad statistics providing data on the dishonesty of people in general, and police in particular, and I am not aware of anyone approaching the issue of stolen wages using such a scientific approach.

There is extensive evidence of auditors warning the government of its need for action to ensure the secure treatment of these monies, and the lack of any changes to ensure such procedures were implemented.

WHETHER ALL FINANCIAL RECORDS SHOULD BE CONTROLLED BY A QUALIFIED NEUTRAL BODY TO ENSURE SECURITY OF THE DATA AND EQUITY OF ACCESS;

Yes, all records should be held by a neutral party.

(g) COMMITMENTS BY STATE AND TERRITORY GOVERNMENTS TO QUANTIFY WAGES, SAVINGS AND ENTITLEMENTS MISSING OR MISAPPROPRIATED UNDER OFFICIAL MANAGEMENT;

I am not aware of anything that the Queensland Government has done to assist this issue. I am advised that the Queensland government has refused to supply documents within its possession which would assist in identifying claims.

I am aware that there is evidence of many police stations where records were held being burnt down within a very short period around the time of the 1967 census when Indigenous people were to be classed as humans for the first time in Australia. I am not aware of the government supplying any material about these arson investigations to enable neutral scrutiny of the potential impact in the government colluding in official destruction of these records to conceal crimes.

These police stations included Normanton, Charters Towers, Mt. Garnet, and Yarrabah. I am told up to 20 police stations burnt down over a short period. A simple investigation would easily show the rate of police stations being burnt down then compared to the total number of police stations being burnt down over last 100 years. This was around the time Sgt. Mead from Mt. Garnet was charged with Forgery and Uttering, around 1968.

In June 2005 when I was at State Archives in Brisbane I asked to see Palm Island records. An archivist told me that many of these records had been burnt by police and they thought the police were not aware of what they were doing when they burnt records at Palm Island.

THE RESPONSIBILITY OF GOVERNMENTS TO REPAY OR COMPENSATE THOSE WHO SUFFERED PHYSICALLY OR FINANCIALLY UNDER 'PROTECTION' REGIMES;

I believe that modern standards of justice require all parties concerned to accept responsibility and to restitute stolen monies and to compensate victims of inhumane treatment.

There has been much written about this issue. What is often overlooked is that the entire economic independence of the Indigenous nation has been prevented by theft of the fair rewards of work, and other monies justly due. In white society, much of the wealth of individuals arises from the value of the family home, which was purchased using the fruits of ordinary worker's wages. Therefore the handed-down wealth, the capacity to borrow money to fund businesses and other ventures, (including the acquisition of investment property) has been denied to the Indigenous nation by policy, neglect and malevolence.

My personal experience of malnutrition and the consequences of my hospitalisation and separation as a child from my family are still with me today.

The impact of limited education has dictated my financial situation today.

(h) WHAT MECHANISMS HAVE BEEN IMPLEMENTED IN OTHER JURISDICTIONS WITH SIMILAR HISTORIES OF INDIGENOUS PROTECTION STRATEGIES TO REDRESS INJUSTICES SUFFERED BY WARDS;

Yes. There are many examples of the reactions of governments to similar issues. Vivienne Solon was awarded \$10 million in compensation by the current Australian Federal government for being wrongly detained and deported and having to live in her birth country for about four years. Queensland Premier Beattie was sufficiently moved at these injustices to write to the Prime Minister calling for a Royal Commission into Solon and Cornelia Rau's cases-both cases which had some Queensland connections.

The Tasmanian government has offered \$100,000 to each successful Indigenous applicant in Tasmania who can establish that they were wrongly removed from their family.

The Canadian government has instituted formal restitution to Indigenous people who have suffered from discriminatory policies.

Shortly after the end of the Second World War, reparations negotiations commenced against Germany and its allies. The international Jewish community have been the recipients of huge amounts of funds stolen from its members during the holocaust. The tracing of these funds cost in excess of US\$12 billion, and was funded by various parties including the Swiss Bankers Association.

The World Jewish Restitution Organization (WJRO) extends beyond the recovery of Jewish gold and money and currently has listed 14,083 properties in Europe which it is in the process of recovering, in addition to ongoing financial claims against many governments. These properties are where claim can be made to the origin of ownership being secured by Jewish funds.

Although many governments and banks have repatriated funds to Israel and the WJRO, many claims are being actively pursued nearly 70 years after these monies and properties were appropriated.

I am told that the recent Diego Garcia case, in the British High Court, where several rulings have been made in favour of handing back sovereignty to dispossessed Indigenous peoples may be relevant, as also the Treaty of Waitangi in New Zealand.

(i) WHETHER THERE IS A NEED TO 'SET THE RECORD STRAIGHT' THROUGH A NATIONAL FORUM TO PUBLICLY AIR THE COMPLEXITY AND THE CONSEQUENCES

OF MANDATORY CONTROLS OVER INDIGENOUS LABOUR AND FINANCES DURING MOST OF THE 20TH CENTURY.

Yes.

Because there are huge issues with the government making a unilateral arbitrary offer of such a small sum to close this issue. There is no rational basis to offer someone compensation of \$2,000 or \$4,000 for up to 20 years lost wages, and other entitlements.

Such an offer, completely without any rational basis, would not be acceptable to white people in modern society-that it is made on the basis it has been, is continued evidence of the discriminatory treatment of Indigenous Australians.

For the current government representing the perpetrators, notwithstanding that it was earlier individuals that were responsible, to deny Westminster conventions and attempt to disown previous governments' actions is unacceptable.

A neutral body, mutually acceptable to both sides, needs to take over the entire process. The notion of a party to a dispute sitting as arbiter of the issues, defies natural justice.

The treatment of Indigenous claimants is discriminatory. If 20,000 white government employees were underpaid by the government, the matter would be before the courts in no time-when the government fails to uphold the laws of its own Parliament, it loses its moral authority.

There are many formulae available, involving sound actuarial estimates, based on evidence, including simply what a white person would have been paid covering similar periods, expressed in Net Present Value.

The issue of affordability to various governments is secondary, in that justice requires that fair and accurate estimates need first to be established. The capacity to pay is not the primary issue-no dispute can be satisfactorily resolved by using capacity to pay to determine the facts of what transpired.

There is a range of repayment options that could be canvassed to implement findings of amounts fairly owed, including but not limited to the government provision of a house mortgage paid to each successful applicant. This mortgage could be secured by government, and be in effect a 25-year loan to it. With its AAA credit rating, the Queensland government would simply need to service annual payments. Houses could be built on Native Title land, and they could be dealt with by their owners similarly to an ordinary mortgage, including the right to sell. This would enable far greater repayment with affordable imposts on funding.

The supply of housing would provide obvious secondary benefits-there are many beneficiary/claimants for whom the government presently has an obligation to help house, so the increase in such housing would alleviate pressure for such housing.

The employment generated by such large-scale house building would have other multiplier effects for the Queensland economy and employment generally.

All property identified as being purchased with stolen/misappropriated monies, could be repatriated to the Indigenous community through some mechanism, including the 'welfare' houses. The transfer of ownership would operate according to law, if it was subsequently discovered that an impostor had been receiving the benefit of that property. All rental income, or notional rental income, should also be repatriated to the rightful owners.

A full reconciliation of all amounts used to purchase or run other entities, including all the loans referred to above in section (f), and details of repayments, may provide a basis to establish a discrete source of funds which ought to be repaid.

My sister-in-law, Mary Butler, moved into her 'welfare' home in 1971. She was told then it was worth \$9,000, and was advised by a Mr. Bartlam who was in charge of the Department of Native Affairs in Townsville, that she should rent it. This house is presently valued at around \$190,000.

Indigenous people have different concepts of money, property and wills. There is a valid argument that some of the funds should be used to acquire land for the benefit of the Indigenous people as a whole.

There needs to be an acceptable body to oversee the use of monies obtained through this process. Indigenous people need financial advice and guidance in the handling of such monies, from an independent body that protects their interests.

There are other pressing related issues of under-award payments, unpaid overtime (compared to the parliamentary-defined working week). Indigenous stockmen worked 7 days a week, and up to 20 hours a day, all year round, with 2 weeks annual recreational leave.

There are issues of racial discrimination, since the application of the Racial Discrimination Act of 1975, which need to be investigated.

There are critical issues of criminal liability which ought to be prosecuted in the same manner as they are, in today's society, against all people detected to have misappropriated funds.

There are critical issues of criminal liability which ought to be prosecuted in the same manner as they are in today's society, against all people detected to have concealed crimes through destruction of evidence, and to have withheld evidence.

There are International Labour Conventions which hold jurisdiction over some of these issues, and International Courts which are available for redress to enforce such rights. I am not aware that any such International court actions have been instigated.

There are private International Law conventions that may provide relief and I am not aware that any such actions have been instigated.

There are clearly issues of slavery, in addition to the theft of other monies, which ought to be dealt with by the International community and conventions.

I have been told that many people signed acceptances and releases based on the advice of QAILSS recommendations. I do not believe that these people were properly advised.

There are natural justice issues surrounding the government paying lawyers to attend community meetings of victims and provide 'INDEPENDENT ADVICE' recommending that they accept the government's offer.

The Queensland Government has relied on dividing and conquering by making a token offer on a 'take-it-or-leave-it' basis, with a short time to accept, sending government lawyers to threaten claimants that if they fight the offer they will be involved in costly drawn-out litigation, which has led to the lack of progress to date, after a fifteen-year struggle.

Indigenous people need to be resourced to take on the authorities for their shameful actions, at a level at which justice can be assured.

Queensland Premier Beattie was interviewed on 'Lateline' on ABC TV on July 14th 2006, about the Council of Australian Governments. When asked about the reform council established at the COAG meeting on July 14th, Beattie responded with the comment "So, we will work those things through" and similar comments about how much money various parties would contribute and in what areas. As such a pragmatic and conciliatory politician, it is inconsistent for him to make a 'take-it-or-leave-it' offer to Indigenous Australians when the evidence clearly shows the quantum of the offer is ridiculous, and the need to work through the issues in a pragmatic way is so evident.

CROSS-CULTURAL ISSUES:

There are significant cross-cultural issues with the enquiry in its present form. Indigenous people have an oral tradition and relate their work history in a different way to the terms of reference of this enquiry. Most people would remember things like where they worked and roughly when, so a simple form could be designed including name, rough dates of employment and name and place of employment, and details of payment. A YES/NO format would be easier for many people to complete.

There are clearly literacy issues, which are the direct result of the impoverishment of Indigenous people and the withholding of monies for and education of Indigenous people, that make it harder for Indigenous claimants to complete paperwork in the way that white society requires. Indigenous people were trained to be domestics and farm-hands, neither of which required literacy. There are language issues with the English of the Senate Inquiry being the second, third, fourth or fifth language for many claimants.

There is a very low use of computers and the internet, for the above reason and the remoteness of many Indigenous communities. Therefore, there needs to be a mechanism to address the issues that the very enquiries intended to assist in righting past wrongs do not fail to do so because of the cultural and practical barriers that exist; a practical solution needs to be devised including the resources necessary for implementation.

I know hundreds of people who are owed monies, and would like to make a submission to this inquiry, yet can't and won't be, because of the difficulty with language, the shortness of time from the announcement of the inquiry, their remoteness and the lack of resources to do so.

The Fitzgerald Enquiry made significant use of the roll-over and amnesty techniques to uncover corruption within government. I have publicly campaigned for those officials who participated in wrongful actions to be given amnesty and indemnity provided they comply with the usual conditions of such. This source of information is presently missing and my desire is to achieve equitable justice, not to punish those that were involved. 'Whistle-blowing' has been effectively used in many situations to expose continued institutional cover-up.

A report commissioned by Minister Anne Warner in the Goss government, and finalised in March 1991 by The Consultancy Bureau, 'Investigation of the Aborigines Welfare Fund and the Aboriginal Accounts' identified to some extent the fraud on the Savings Bank accounts. At page 4, it states "...There are a number of cases which have been identified of misapplication and misappropriation from the Savings Bank Accounts. Well documented cases exist of misappropriation, however the lack of adequate control systems in the field probably resulted in a large volume of undetected fraud the quantum of which would be indeterminable today. Sampling has confirmed that it is impossible to reconstruct the complete financial history of any individual. Consequently individual claims cannot be accommodated."

Obtaining complete transaction histories from the Commonwealth Bank would enable a reconstruction to be made of the gross movement of monies. There are actuarial techniques which could be applied to reasonably estimate the amount of monies which were banked but which were not paid to the rightful owners. To obtain such records is far beyond the resources of the claimants, but within the scope of the Senate Committee, and obtaining such records could make an enormous contribution to establishing the truth of the situation in Queensland.

I also understand that an archaeologist who worked for the government gave a radio interview last year in which he said he had discovered large quantities of bank books, in calico covers in the basement of the Department of Family Services building, near the old Customs House on The Strand.

I have also been told that around 1995 or 1996, Minister Warner gave instructions to destroy large quantities of records which had been discovered in a government building, long after the formal enquiries had commenced under her auspices.

For the Queensland Government to make an apology conditional upon the acceptance by victims of a fraction of what was stolen, indicates a shameful attitude.

Any reasonable estimate of what is owed runs into billions of dollars, quite separately from the criminal negligence and the subsequent impoverishment of Indigenous people. Putting aside the simple issue of apology, to restore financial equity there must be some reasonable attempt to restitute what is rightfully ours.

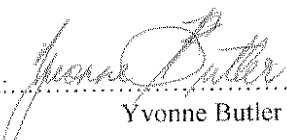
These monies, and their flow-on benefits have been appropriated by people and bodies who enjoy them today. It is a fundamental principle of justice that remedies to wrongs involve reparation, and to deny this because we are black is unacceptable discrimination.

The inter-generational trauma which has resulted from the hostile, negligent and criminal behaviour of the controlling institutions of the day is evident within our communities today. To have had our entire economic base destroyed, in such a calculating way, and to have survived is a tribute to the Aboriginal spirit. It is time for the perpetrators, and their heirs, to return the spoils of crime. For them to be allowed to retain these 'spoils' is anathema to the concepts of modern justice. A just and fair society, within a Christian democracy, would not tolerate allowing this scandal to continue.

The Indigenous struggle has been long, and the Stolen Wages campaign has been run in some way for more than 100 years. It has been formally organised in Queensland for about 29 years. What is needed now is for people of courage to stand up and put an end to this shameful century of oppression.

This Senate enquiry is the first step in ensuring the truth is exposed. By gathering information at such a level about national issues, we hopefully will have the foundation for a meaningful basis to achieve justice. The scale of the criminality and the under-payment and theft of monies is such that a national body is needed to oversee negotiations on a much broader scale, and with matching clout, than has been evident to date.

Formal apology by the relevant governments is also required.

Signed: .....
Yvonne Butler

Date: July 27th 2006.