

TO  
Committee Secretary  
Senate Legal and Constitutional Committee  
Department of the Senate,  
PO Box 6100  
Parliament House  
Canberra  
ACT 2600  
legcon.sen@aph.gov.au

---

**Submission to the Legal and Constitutional References (Senate) Committee: Inquiry into Indigenous Workers Whose Paid Labour Was Controlled by Government.**

Annie Cowling  
Queensland 4101

SUBMISSION Section 28/7/2007

*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 20<sup>th</sup> century*

**The legal and industrial systems of this country have failed Aboriginal people.**

I expect that few would argue against the goal of being a just country, and that providing justice is a core tenet of a civilized country. Justice needs to be provided to the Aboriginal people of this country. I therefore support as a minimum the 'national forum' proposed. I also submit that Aboriginal people should be paid the wages and other benefits that are owed to them.

I am not an indigenous/Aboriginal Australian but was born in Central Victoria. I am adding my views to this enquiry for a number of reasons. Firstly out of concern for those people and particularly workers who have still not been paid their wages for work they have genuinely undertaken in this country between 1900 and up to the 1980s.

Secondly, the impact this injustice has on all the peoples of this land, when we know that after the British take over of this country, with massacres and disease; that there are ongoing injustices in our times, for which we must take responsibility. There is no blaming the distant past this time. The legal and industrial systems of this country have failed Aboriginal people. It must be remedied.

In Queensland, the Government still holds money that is owed to Aboriginal workers. The State Government needs to undertake the processes and research to find out whose money it is and see that it is returned to the rightful owners. If the Government can't ascertain this information due to the inadequacy of the Government record keeping, negotiations need to take place, with resources provided to each of the workers to arrive

as a just settlement. Effective consultation with the Aboriginal peoples of this country is essential to any future of mutual respect.

What respect for the governing and legal system of this country could anyone be expected to hold when wages held in trust have been lost or used otherwise, records lost and then one is offered a pittance in recompense? If the legal system is to be respected in this country, it must deserve this respect. The 'duty of care' encompassed in the various Aboriginal Protection Acts must be enacted by the Governments of this country. It is also notable for context that Aboriginal people having been denied the vote in this country until the 1960s, were also effectively denied any electoral remedy to their issues.

Similar arguments also apply to the industrial relations system and the system of wage labour in this country. Whether due to lack of access, knowledge of recourses available or racism, this system failed the Aboriginal workers. The question needs to be asked that if it were white men whose wages had been withheld what would have been the response? It is arguable that a trade union would very quickly have been contacted, representations made, with a claim lodged in the Arbitration and Industrial Relations Commission of the day. Even regrettably, if like women, there was not equal work for equal pay, never the less, wages should have been paid; at the very least those funds kept in trust would be fully redeemable. If Aboriginal people are expected to participate in the wages for labour system of this country, what confidence after the last century of non payment would a worker have? The ongoing impacts may be serious with the potential for little incentive to work if a young Aboriginal person knows that people of the previous generation had worked for many years and were not paid wages owing. These wrongs need to be publicly acknowledged to assist with establishing the trust required for future generations to participate fully in the economic life of this country.

To support the establishment of this trust, any unpaid wages owing or held by Governments should also be available to the descendants of the workers who have died. The extent of poverty for many Indigenous people in this country is well known and documented. For white people, it is often the case that we get a bit of a hand up by being left an inheritance, often small, but something by our forbears. This does not appear to be the case for many Aboriginal people, who are more likely to be in a cycle of poverty. Aside from the fact that this wages money is rightfully theirs to claim, these funds may assist in some small way to alleviate poverty.

Finally, all these issues need thorough research and public examination. There have been stereo types in this country about Aboriginal people living in poverty. A thorough examination of the systemic causes of this poverty with the roll of Governments in wages control must be presented for Australia to put the record straight and to assist provide some justice to the Aboriginal peoples of this country

Thank you.  
Annie Cowling