

**Submission to the Legal and Constitutional References [Senate] Committee:
Inquiry into Indigenous Workers Whose Paid Labour Was Controlled by
Government [Stolen Wages]**

Name: _Monique Bond, supported by Graham Bond

West End, Queensland

Our Submission:

General Comments, based mainly on Queensland as that is where we live:

It is wonderful that this Inquiry is being held. However, many of the people most affected by government actions in the 20th century will not know the inquiry is on, or if they do, will not feel competent or entitled to make a submission to it.

I urge the Senate to travel to communities in Queensland and to sit down and listen to the stories of people who do not have a telephone, let alone access to a website but who can nevertheless explain clearly where they worked, how little they got of their pay and what was in their account when they went to get a lump sum out.

Furthermore, people who have signed a Stolen Wages Postcard have thereby registered an interest in the issue and some level of support for the restitution of wages. They should be contacted whenever possible with information about the inquiry and about public meetings etc.

a.

I do not know official figures etc. What I can say is that I have been told by at least 10 Aboriginal people about their personal stories, which all included having most of their wages withheld and finding very little money in their bank accounts when they expected significant amounts.

My friend, Auntie Beryl Wharton, who sadly died in 2004, told me of being sent out to a property aged about 12. She was made to sleep in a shed, and was once tethered, like an animal, where a police constable saw her and rescued her from that property. When she tried to access her wages, after many years of working, there was almost nothing there. My friend Gloria Becket, also sadly dead, told me a very similar story although her's included being told that she could not go to High School at Murgon because she was 'aboriginal'. Instead of going to high school, she was sent to work on properties by the Administrator of Cherbourg Mission where she had been brought up. Fortunately, she was able to graduate with a Masters in Fine Arts before her untimely death.

b.

I have been told by my friends, that not only did they not get paid their full wages, but when they wanted to buy something, for example clothing, they had to write to the Director of Native Affairs (I am not sure of the correct title) and ask permission to buy specified articles of clothing, including underwear etc. Sometimes, they only got vouchers to Macdonnell and East or were told 'You bought underpants recently, you do not need any more yet'.

c. I understand from Dr Kidd's research that the Qld government was frequently warned about local mismanagement of Indigenous accounts. Apparently, money from Indigenous Trust Accounts was also used for the benefit, not of Indigenous people, but to build infrastructure which Indigenous people were not allowed to access, for example Redcliffe hospital.

f.

There are many records about Indigenous people in Qld State Government archives. There is considerable concern that some of these may be 'lost' or otherwise tampered with. All the records to do with government control of Indigenous people should be kept safe from government or other interference, possibly being looked after by an independent body. Currently, some people are being told that their records are missing whilst people in similar circumstances are able to access their records. There is no way in which a person can verify that their records are missing. Yet this is presumably the basis on which some people are being denied the Qld government payment of \$4,000 or \$2,000.

I suggest that if Person A's Records are available and several people can vouch that Person B and even Person C, were working with Person A at a stated location and time, then Person B and C, should be able to make a Statutory Declaration, if possible supported by a Statutory Declaration from Person A, and these should be accepted in lieu of the 'lost' records.

Access to the State Archives is difficult for people who cannot easily get to Brisbane and then travel out to the site. Funding to the section which has been helping people access their own or their family's records is dependent on politics and could easily be restricted or cut altogether. This would make it even harder for people to access their records and to seek for restitution of their monies.

I took one person to the Archives where she was helped with great tact by an Indigenous person in the relevant section. However, my friend was extremely upset to realise how much information, and what kind of information, had been kept by the Department about her parents and her whole family.

This kind of information must be preserved and made more easily available to the people affected so that they can understand more about how their lives were controlled and monitored. They will be able to know how their wages, and any entitlements such as maternity allowance etc were allocated and looked after by the Government. Then, and only then, will they be able to make informed decisions about what restitution they want and whether they are prepared to sign away the right to make any future claims.

g.

Premier Beattie agreed in principle to 'right the wrong'

In Queensland, there was a decision by the Beattie Government to do something about the so-called 'Stolen Wages'. This initiative was very warmly welcomed by Indigenous Queenslanders and their many supporters. The process, as I understand it, was to be a consultation period in which (Qld Aboriginal and Islander Legal Service) QAILS were to go round and discuss with potential claimants what they might be

entitled to and how best to organise the fact finding and then allocation of any returned money.

The consultation process has been criticised for being inadequately carried out, especially for not being rigorous enough in seeking out the mainly elderly people whose money had been ‘stolen’.

Nevertheless, QAILS, in consultation with Indigenous leaders, put together a suggested process for finding claimants and then working out how much each person was owed and what they would receive. It was a document that could have been used to negotiate a reasonably satisfactory outcome for Indigenous people.

It was with great excitement that the Indigenous Leaders met with Premier Peter Beattie, to negotiate, they thought, the final details of the QAILS proposal. One of the people present has told of the horror of the group, when Mr Beattie walked in, placed a document on the table and said ‘This is what we are going to do – take it or leave it’ The result of this attitude was that the initial gratitude and recognition of Indigenous people and other supporters of their rights, was completely lost.

The Beattie package is not based on correct legal principle, ignored the results of consultation and is both inadequate financially and unjust to the victims, whose wages have been stolen.

The Beattie package is inherently unjust as it puts the onus of proof on the claimants. Given that the Government set up a process in which it made itself responsible for most of the money earned by Indigenous Queenslanders ‘Under the Act’, the Government has a clear, legal duty to account for every cent of that money to its rightful owners. To suggest that as Mr Beattie does, that he is now generously giving Indigenous people some of ‘taxpayers’ money is totally incorrect.

The State Government has had the use of a great deal of money – about \$500 million in today’s money, which was earned by Indigenous people and which they should be paid back.

They should also be given compensation for the lost opportunity and pain and suffering caused by the years of poverty, inadequate housing and lost educational opportunities, that the lack of this lawfully earned money has caused.

So the Beattie package starts from the wrong premise and continues in that vein. It is totally inadequate financially. It is also insulting and possibly against various inherent legal rights every person in Australia has.

Some unacceptable parts of the Beattie proposal: (in plainish English)

1. The heirs of dead potential claimants cannot claim - so if your parents worked hard all their lives and brought you up in poverty because of the government policies, then your parents died relatively young, now you, their children cannot claim for the money they were owed because you are Indigenous. (I believe that in similar circumstances in mainstream Australia, heirs would be entitled to claim)

2. A lump sum is offered, of a derisory amount, based on a person's age not on their employment record. So someone who worked 20, 30 or even 40 years for a pittance and was unable to find a deposit for a house when they retired as it had been 'stolen,' would be entitled to the magnificent sum of \$4,000. A contemporary, who has only worked for a few years before managing to get out from 'Under the Act' and therefore to work in the mainstream for normal wages which they actually received – that person would be entitled to exactly the same amount of \$4,000.

To put this in some kind of perspective – the well-known Palm Island compensation case which was settled out of court, in the 1980s, gave each of the claimants \$7,000, worth a lot more then, for only a few years in which the Government had knowingly underpaid them... So the amount of money owed to a person who worked for even 20 years and had up to 80% of their wages 'lost' by the Government, would be rather more than \$4000 in 2006.

Similarly, for younger people, the amount offered is \$2,000 and has no relation to the actual employment record.

3. Claimants for the lump sum entitlement are required to sign away their rights to make any further claims for other moneys which they may discover that they are owed. For example, child endowment, maternity allowance, death benefits etc – many of these allowances were for all Australians including Indigenous people, but the allowances were siphoned off before they reached the person entitled to them, and were 'used for them'. This was actually illegal in many instances, and I think there are some murky areas about Commonwealth and State rights and responsibilities around here.

It is unethical to ask people who are likely to have been wronged by government institutions to sign away any rights to get restitution in the future, if it becomes possible for them to get such restitution.

I would also argue that it is very difficult to state that a person who signs such a waiver and whose life has been restricted to life on Missions, DOGIT communities and work on stations and small country towns, is really giving informed consent.

Compensation for people who suffered physically or financially:

From my observations and discussions with Indigenous friends, many of them are suffering from the results of their lives under 'protection laws'. This includes unresolved issues of grief, of trauma and of the effects of living continually under oppressive government control. Whilst it would be difficult to work out fair financial compensation I think it would be very helpful to sit down with groups of Indigenous people and ask them what they think would be most helpful to them: what would help them to be the people they want to be. The most effective action is to ask people what they think they really want, and then help them to get it.

i.

We definitely need a concerted communication strategy to tell as many Australians as possible the reality of Indigenous experience. Until I sat down and listened to some Indigenous people talking about their lives, I could not have imagined what it was like: the total control, the random allocation to work, the having to ask to buy clothes with money they had earned, the asking for permission to do almost anything and always the implication that being Indigenous meant being inferior.

In conclusion: many people are poor and are brought up in poverty.

For Indigenous Australians the poverty was mainly caused by the actions of governments, in the name of ‘protecting’ them.

Indigenous people should have their wages reimbursed, at today’s value.

They should be consulted as to what compensation they would consider both just and also most helpful. The compensation should be then be organised in a way which recognises that it is coming from an Indigenous request not a government ‘hand-out’.

I congratulate the Senate for setting up this inquiry and look forward to attending as many of the public meetings as I can to hear the testimony given and also to witness the interactions during the inquiry.

Best wishes,

Monique Bond

I support this submission

Graham Bond