

Summary of QAILSS proposal, including monetary proposal (Quantum, p 31) in full.

DOCUMENT PREPARED FOR THE PURPOSES OF NEGOTIATIONS, CONTAINING DEMANDS OF CLAIMANTS IN RELATION TO THE SAVINGS ACCOUNTS AND WAGES PROJECT.

26 June 2000

Prepared by: Queensland Aboriginal and Islander Legal Services Secretariat (QAILSS)

On Behalf of: 'The Claimants'

For the Attention of: The Queensland Government

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STATEMENT OF DEMAND

Categories of Compensation

Compensation is owing to eligible claimants under the following categories:-

1. Account of monies held in the *Aboriginal Protection of Property Account*;
2. Unlawful enslavement;
3. Breach of Fiduciary Duty;
4. Unlawful Statutory Deductions; and
5. Human Rights violations.

pp 5-10 contain background information;

pp 11,12 talk about involuntary control of property and social consequences for later generations;

pp 13-15 talk about agreements and policy considerations such as reconciliation, commitment to negotiation and the effects of litigation;

p 16-17 talks about eligibility of claimants, and includes children and grandchildren of people whose money was controlled;

pp 17-30 cover legal arguments;

Individual Reparations

Payment of reparations to individual Claimants by way of compensation for the injustices imposed under the *protection regime* is proposed as follows:-

Persons who worked 5 years or less	\$25,000.00
Persons who worked more than 5 years but less than 10 years	\$30,000.00
Persons who worked more than 10 years but less than 15 years	\$35,000.00
Persons who worked more than 15 years but less than 20 years	\$40,000.00
Persons who worked more than 20 years	\$45,000.00

These figures take into account the need to balance the interests of Claimants with Government budgetary constraints. Given that the average wage in Queensland in 1999 was \$30,000.00, the figures proposed for compensation are very conservative.

It is important to keep in mind that many Claimants worked under the *Protection Acts* for many years. The work often involved carrying out laborious tasks for long hours with minimal, if any, pay. The compensation is for the blatant exploitation and control by the Queensland Government in relation to Indigenous labour, over many years.

In order for justice to be done and to ‘be seen to be done’ in the communities, it is important that persons who served for many years under the Act receive larger sums of compensation than those who worked for shorter periods. In terms of justice, it is only fair that someone who worked many years be paid a greater amount than a person who worked perhaps just one year.

QAILSS suggest that payments be made along with a formal letter of apology to each Eligible Claimant.”

In addition, QAILSS suggest that

- (1) a commemorative shrine be built;
- (2) an oral histories project be undertaken
- (3) scholarships be established for students

pp 33,34 are about the administering of the payments, and about the waiver.

“QAILSS understands that in order to give the process some certainty and finality, it will be necessary for Claimants to provide a waiver of their rights to bring a legal action in relation to the issues associated with this matter. As such, QAILSS is prepared to advise Claimants, who receive some compensation under this process, to commit to a waiver of their rights to take action in the future in relation to the issues associated with enforced labour in Queensland.”

pp 34,35 discuss the Welfare Fund;

pp 36-37 discuss international precedents for individual reparations made to Claimants who were subject to enforced work schemes.