

**INDIGENOUS WESTERN AUSTRALIANS — STOLEN WAGES COMPENSATION**

*Motion*

**MR B.S. WYATT (Victoria Park)** [4.01 pm]: I move —

That this house condemns the state government's proposal to conclude the issue of the stolen wages of Aboriginal Western Australians by offering a limited number of Aboriginal people who had their wages stolen an ex gratia payment of \$2 000 and calls on the state government to —

- (1) explain how the amount of \$2 000 was arrived at by the state cabinet, and provide the actuarial modelling referred to in the task force report;
- (2) properly settle the stolen wages issue by including all Aboriginal people who had their wages stolen, including descendants of those Aboriginal people who lost wages due to government actions;
- (3) make available without charge all state documents relating to Aboriginal people who have had wages stolen, to allow victims and their descendants to access all available documents to assist in determining the total amount of wages stolen; and
- (4) open the period of time in which applicants can apply under the state government program for a minimum of two years.

Over the decades in Western Australia, the issues of stolen wages of Aboriginal people and the Stolen Generations have been a festering sore in our history. We recently saw the Prime Minister at the time, Kevin Rudd, give his apology to the Stolen Generations, and we have seen a concerted effort by members of the public broadly across Australia to engage in reconciliation action plans and apologies to the Stolen Generations. Little has been said over the years about Aboriginal stolen wages, and it is a similar issue. As with those members of the Stolen Generations, the governments of the time, over many years, said that this is how they would treat Aboriginal people, however they were defined, because it was for their own good. Governments felt that Aboriginal people were not capable of making decisions about themselves—that they were less than human. That mentality, both legal and psychological, existed for government bureaucrats well beyond the referendum of the late 1960s; that is the reality. We are not talking about a time hundreds and hundreds of years ago; we are talking about decisions and actions of government that impacted upon my own father and on his mother. We are talking about the very recent history of Australian Aboriginal and non-Aboriginal relationships. That is why the opposition moves this motion today, because the response from the Minister for Indigenous Affairs, Hon Peter Collier, is absolutely and incredibly inadequate. It is incredibly disrespectful and incredibly ignorant of the long history of stolen wages in Western Australia in particular. This issue goes back. The commonwealth Senate Standing Committees on Legal and Constitutional Affairs did a report into the stolen wages entitled “Unfinished Business”. One of its recommendations was —

Recommendation 4

... The committee recommends that:

- (a) the Western Australian Government:
  - (i) urgently consult with Indigenous people in relation to the stolen wages issue; and
  - (ii) establish a compensation scheme in relation to withholding, underpayment and non-payment of Indigenous wages and welfare entitlements using the New South Wales scheme as a model, and
- (b) the Commonwealth Government conduct preliminary research of its archival material in relation to the stolen wages issues in Western Australia.

I do not know whether that was done; I hope that in its response the government can enlighten us all about whether it was done. Another recommendation of the Senate standing committee, indeed the very first recommendation, was —

... that the Commonwealth Government and state governments facilitate unhindered access to their archives for Indigenous people and their representatives for the purposes of researching the Indigenous stolen wages issue as a matter of urgency.

We are talking about people who were not paid for the work they were doing. That money was not misspent; that money was taken by the government through government policy at the time, which, under legislation at the time, made the government the legal guardian of all those victims. We must remember that. The legal guardian of

**Extract from Hansard**

[ASSEMBLY — Wednesday, 21 March 2012]

p1030b-1044a

Mr Ben Wyatt; Mr Roger Cook; Mr Murray Cowper; Dr Tony Buti; Ms Janine Freeman; Mr Fran Logan; Mr Colin Barnett

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Aboriginal people, the government of the day, took money—not just any money but the wages earned by Aboriginal people. Regulation 85 of the Native Administration Regulations 1938 stated —

The Commissioner may direct that a specified portion of the wages of any native not exceeding 75 per cent of the total shall be paid to him in trust for such native, in any manner he may think fit, and such specified portion of such wages shall be paid by the employer to the Commissioner accordingly.

This was government legislation to take the wages of Aboriginal people. This is not some private-sector spiv; it is government policy over people who, at the time, the government was the legal guardian of. The member for Armadale will go further into that issue of trusts and the legal relationship between the government and Aboriginal people who are impacted by this legislation. The control exercised by the government over Aboriginal people went back to the late 1800s. Stirling arrived here in 1829, and the Aboriginal native offenders act was established in 1849. In 1886 the Aborigines Protection Act was established. In 1905 the infamous Aborigines Act was established; it was amended over the years, but it had a dramatic impact on the Stolen Generations. In 1936 there was the Native Administration Act and in 1963 there was the Native Welfare Act. In Western Australia's history we have had a whole suite of legislation controlling the lives of Aboriginal people. They were defined as quadroon, half-caste and in all sorts of offensive ways. The purpose was to control those Aboriginal people. Over that time we have had a whole suite of reviews, investigations and royal commissions. In fact, the first royal commission I could find was in 1904 conducted by Commissioner Roth into the treatment of Aboriginal people. Therefore, very early on there was recognition Aboriginal people were not being treated appropriately.

Following on from the Senate report, on 30 May 2007, the fortieth anniversary of the 1967 referendum, the Minister for Indigenous Affairs in the then Labor government, Hon Michelle Roberts, put out a media statement saying that the government had established a task force to investigate the issue of stolen wages of Indigenous workers. There was then a subsequent media release about the consultation process that went on. Now we have the end result. This report was given to the former government just before the election and the new Liberal-National government sat on it for three and a half years while question after question was asked. The member for Kwinana asked many questions of the previous Minister for Indigenous Affairs about whether this report would come out. The previous minister specifically indicated his embarrassment for the delay in releasing the task force report and the government's response. Finally we got a media release from the current minister on 6 March 2012 detailing a \$2 000 ex gratia payment. At no point in the media release was a task force report even mentioned. It has not been responded to in any way, shape or form.

The minister's media release deals with a very small payment to a limited number of Aboriginal people, and then in his media conference he denigrates the recommendations of the task force report. I remind members of the house that this task force was chaired by a member of the Department of Indigenous Affairs, and had representatives from the Department for Communities, the Department of Culture and the Arts, the Minister for Indigenous Affairs' policy officer at the time, the Department of Treasury, the Department of the Premier and Cabinet, and the Department for Child Protection, and had an ex officio member of the Fire and Emergency Services Authority. This was not the lunatic fringe coming up with a report. This was the government of the day and senior members of the public service developing a report. The minister has said, "Well, we don't have enough information to actually do anything beyond what I have already done." That is actually not quite correct. Page 5 of the government's own task force report found that —

This Taskforce found extensive evidence about the systems of direct control over Aboriginal people's money, and has developed an understanding of the many systems of trust accounts used to manage this money.

This is the government's report. In particular, page 6 of the report states —

The mechanism of financial control over Aboriginal people was the trust account, as permitted in the *Aborigines Act 1905*. A thorough understanding of the range of systems of trust accounts is hampered by the lack of records. Therefore, actuarial modelling has been used to estimate the amounts of money and the potential impact of the loss of this money.

Where is that actuarial modelling? That is why the opposition's motion calls on the minister to release that modelling. Give the Parliament and, more importantly, the victims and the descendants of those victims an idea of how much money was taken from Aboriginal people.

There are perpetual repercussions from taking the salary of working people and giving them back 25 to 50 per cent of what they are earning. What does that mean? It means they were incapable of using that money to invest and use that money to buy into the wealth of the growing state and nation that was Australia, particularly post-Second World War. Therefore, what we have is two generations, at the very least, of Aboriginal people who

**Extract from Hansard**

[ASSEMBLY — Wednesday, 21 March 2012]

p1030b-1044a

Mr Ben Wyatt; Mr Roger Cook; Mr Murray Cowper; Dr Tony Buti; Ms Janine Freeman; Mr Fran Logan; Mr Colin Barnett

---

simply missed out. There was no superannuation back then. They simply missed out in many cases on the vast majority of the money they were making. How were they then able to buy a house? How were they then able to use that money in any way beyond simply mere subsistence?

The Aboriginal Legal Service in its July 2006 submission to the Senate committee that looked into stolen wages made a point by quoting the former Commissioner for Native Welfare, Stanley Middleton. The Commissioner for Native Welfare in 1952 sought to estimate the value of Aboriginal labour to the pastoral industry. He said —

... the measure of native contribution towards our State economy is in direct ratio to the value of pastoral and some rural produce which at the lowest estimate must still be expressed at a very high percentage.

People were making significant money effectively off people they were not paying. These were not convicts, members; these were Aboriginal people. These were people who were making other people rich, they were making other people money, but were not being paid themselves.

This is another fine example of where that money went. This is the task force report to which the minister has refused to respond. Page 27 of the task force report “Reconciling the Past” states —

While men grew produce on the Settlements which served to reduce Government ration bills, women’s work in particular involved the manufacture of garments for distribution across the State, and this work contributed directly to the finances of the Department.

The footnote under that quote states —

For example by 1920 women at Carrolup were producing 7,500 garments a year and their work led to a 50 per cent reduction in Departmental expenditure on clothing which were distributed across the State.

Under government policy and legislation, not only were wages being kept from Aboriginal people, their work was then subsidising the government’s departmental activities—and this is the response that the minister comes up with? It is not acceptable. It will not, as he claims in his media release, bring closure to the issue of stolen wages. I am sure members are familiar with the responses that have already been received in respect of this issue. It is unacceptable. The government has put this out and said that people have six months to apply, bearing in mind that in New South Wales it was open for two and half years. What is the minister doing to even advertise this? How was he promoting the fact that people can make applications for an ex gratia payment for stolen wages? Bear in mind that the government is not assisting with the provision of information; it is not releasing government documentation, and people have to come up with a statutory declaration to prove their case. It was the government of the day that made the decision under its own laws to take those salaries. Most of those people from whom wages were taken were not able to read and write. The idea that somehow impacted people kept an extensive actuarial record is just simply absurd and deliberately designed to exclude people from applying for this process.

I have already said—my motion calls on the government in this regard—that if the government is serious about this, it should release the documents. Do what can be done to provide those documents. The government’s own task force report points out how many reports that there are, and there are many. Indeed, the ALS report to the Senate committee and the point —

There are over four million pages of information about Aboriginal individuals and families in the existing archive of personal dossier files created by the Native Welfare Department.

There are four million pages, and the minister says that it is not enough information. The government should do what happened in New South Wales. The New South Wales government released information, and people were employed to assist. Someone could come up and say, “I think I had my wages stolen”, or, more importantly, “My mother or father, who have now passed away, had their wages stolen. I will give you their names and you run away”—the obligation was on the government, as it quite rightly should have been. It was the government who took their wages under government legislation. It is up to the government to run away and come up with that information. Instead, what we have here is an attempt to completely exclude people.

A good example of the obstinacy of the government took place some time ago now. It is a good example of the government using the various laws and the freedom of information processes, for example, to exclude people from access to information. The ALS applied for a number of documents to Department of Indigenous Affairs under FOI, and ultimately that was rejected. An appeal was lodged by the ALS. The departmental response was quite lengthy. In respect of obtaining consents for documents to be released, page 3 of the response, according to my notes, states —

**Extract from Hansard**

[ASSEMBLY — Wednesday, 21 March 2012]

p1030b-1044a

Mr Ben Wyatt; Mr Roger Cook; Mr Murray Cowper; Dr Tony Buti; Ms Janine Freeman; Mr Fran Logan; Mr Colin Barnett

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It is noted, however, that obtaining consents may be impossible in this case, given the number of individuals mentioned, the fact that many are deceased and the difficulty in establishing who the nearest relatives of the deceased individuals are and that the applicant would need to see the names and the list before it could know who it needs to obtain consents from.

It made the decision that, as it could not consult people because most of them had died, it could not release the documents. It is up to the government to break through this. If it genuinely wants to resolve the issue of stolen wages, it should not let this sort of pushback from departmental bodies using the FOI process to deny the ALS, representing Aboriginal clients, access to those documents. That is exactly what has happened and will continue to happen.

I do not understand how the minister could think for a minute that a requirement for Aboriginal people to provide a statutory declaration to prove their case will result in many, if any, of those payments being made. I refer to a couple of examples. These situations are always highlighted by examples of people who had their wages taken. An example is given on pages 32 to 33 of submission 30B from the Aboriginal Legal Service of Western Australia to the Senate committee's inquiry into stolen wages. According to my notes, the submission reads —

... the weekly wage for Aboriginal domestic servants in their first year was 7/6 a week, of which they received 2/6 as pocket money with the rest going to the Department. The wages increased to 12/6 after a year, but still the majority of this went to the Department with the domestic servant allowed 5/- pocket money. Domestic servants could earn up to 25/- per week, most of which was deposited in their trust account, and from the trust accounts the young workers were 'permitted' to purchase clothes and shoes, and 'to receive advances for holiday purposes'.

Bear in mind that copious numbers of documents were provided to the Senate and anyone can go through and review them. This document from the government of Western Australia to the Department of Native Welfare is dated 10 August 1960 and titled "Information for the Assistance of Persons Acting as Warrantees or Supervising Native Pensions". Bear in mind that pensions from older Aboriginal people were also taken by the government of the day and put in trust accounts. The document from the government reads —

For your protection it is essential to keep accurate records of all money received and expended. To this end the keeping of a note book is recommended in which is recorded the money received each fortnight, amount paid for stores ... or deducted for board, pocket money component, amount banked, toward clothing etc. and other payments ...

It is essential that a certain amount be given as pocket money each period preferably in cash. However, local conditions will indicate the best policy.

The allocation of money to which people were entitled was decided by the government of the day because the government considered that Aboriginal people did not know what they were doing. The government took that money and put it into an account under state legislation. The documentation was meticulously recorded over the years. I accept that some documents have been destroyed, lost or whatever. But to effectively put the onus of proof back on those victims—not the descendants of those victims, but the victims who are still living—is nothing short of outrageous. Why would you exclude the descendants of people who had their wages stolen? If my father died today, I would not be excluded from access to any property that he may want to leave to me. These wages have been earned. This is the property of those Aboriginal people. It is not acceptable and I want to understand why the government has made the decision to exclude those people.

I want to give another important example. As I said at the beginning, this is not a period in Western Australian history that occurred hundreds of years ago; this goes back to a time when people sitting in this chamber were alive. My family, as I said before, was impacted on by having their wages or entitlements taken and put into a trust account to never be seen again. I want to read into *Hansard* a document dated 22 April 1941, from the Commissioner of Native Welfare, about my grandmother and father. These are old documents, so they are difficult to read. This document states that Jean would retain 25 shillings for pocket money and 10 shillings would be sent here for her trust account. In return Jean would receive seven shillings and threepence a week for Cedric's keep from any future moneys paid by his father, and he was to pay 10 shillings a week. The remaining two shillings a week was to be paid into a trust account in the child's name.

These are just some of the documents that native affairs kept on members of my family over many years that show extensive use of the trust account. I do not know what happened to those moneys. In my personal interest I do not care, but all over Western Australia those Aboriginal people who are still alive—without the educational opportunities that I have had—are being required to approach the government to access a small amount of

**Extract from Hansard**

[ASSEMBLY — Wednesday, 21 March 2012]

p1030b-1044a

Mr Ben Wyatt; Mr Roger Cook; Mr Murray Cowper; Dr Tony Buti; Ms Janine Freeman; Mr Fran Logan; Mr Colin Barnett

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money. The hoops they have to jump through to get there are extraordinary, especially when we bear in mind that the government fights every inch of the way in giving information back. How can we expect that we will have closure, as the minister wants, on the issue of the stolen wages? Interestingly, another part of the media release from the minister limits those entitled to people who —

... were born before 1958; and who were residents of a WA Government Native Welfare Settlement.

I asked questions on notice to the minister about this issue. I asked whether this includes commissions. The task force report found, at page 26 —

The Department retained control over the place and terms of employment of Aboriginal people, including the deduction portions of wages to be placed in trust accounts. This also included some people working outside Settlements who came under the control of the Department for reasons other than living on Government Settlements.

This program is so narrowly cast that it is almost insignificant. Let us think about the average age of Aboriginal people. Looking at the dates, most people who had their wages stolen are now dead. I do not understand why the descendants of those people are not allowed to apply under this program; no doubt the parliamentary secretary will get up and explain to the house. Many of those people I see in my office. No doubt the member for Armadale would also see some. Family members are still pursuing wages stolen from their family members who have since passed on. That is simply, in my view, an unacceptable result.

I ask the parliamentary secretary to deal with these four requests that I have on this motion. Firstly, how did the government reach that amount of \$2 000? There must have been a process by which that figure was reached. Will the government commit to providing the actuarial modelling that the task force refers to on a number of occasions in its report? Modelling was done on the total amount of trust moneys kept by the government. The government has the opportunity to properly settle this issue by bringing in the descendants of those Aboriginal people who had their wages stolen. Until that happens, we will find that the vast majority of Aboriginal people who have an interest in this issue will be disaffected because the government has deliberately come up with a program to exclude them. Thirdly, I call on the government to make available, without charge, all state documents relating to Aboriginal people who have had wages stolen and to allow victims and descendants to access all available documents. I have no doubt that there will be some legislative prohibitions, but we can get through that. Those documents could be given to the Public Trustee to manage. We could certainly set up a process that is similar to that which was set up in New South Wales to ensure that all those government documents, four million of them, are in some way collated and made available to people who have been impacted on by either their wages or a family member's wages being stolen. Once the government has done those things, the government should increase the time within which applicants can apply. Six months to apply is not enough time. As I said, in New South Wales the process was open for two and a half years. Extending the time within which applicants can apply under the state government program to a minimum of two years is not an unreasonable request, because people out there will have absolutely no idea about this program—none. They will not sit down and read a minister's media release, incredible as that may be.

They will not know that there is a program in place, however limited, to access these ex gratia payments. Six months is not acceptable. I ask the parliamentary secretary to explain to the house what the Minister for Indigenous Affairs is doing to ensure that people are aware of this program, beyond issuing a media release. Ultimately, the "Reconciling the Past" report was fairly detailed. The task force comprised senior public servants who, as I said, were not members of any radical groups. The task force held 62 meetings in 59 locations with nearly 1 000 attendees. At the very least, the minister could show those people some respect by responding to this report. As he knows, when the government sits on a report for three and a half years and people want to know what the report says and what the government will do about it, the government should give those people the courtesy of a response. The minister should not put out a media release that does not even refer to the task force report and does not say to those nearly 1 000 people who made the effort to attend the 62 public meetings, "Thank you. We have considered what you have had to say and this is what we are going to do." The minister did not even mention the task force report in his media release. Instead, during a press conference, he denigrated the recommendations that were contained in that report. That is not a good response from the government at all and it is a very weak performance by the Minister for Indigenous Affairs.

If the government is indeed acting with goodwill on this issue, it can support the motion that we have been debating because it will genuinely conclude this issue of stolen wages. I am not saying that it will result in thousands more applicants, because ultimately it is still a very difficult process and people will not have all the necessary records because they simply are not there. However, at least people will take comfort in the knowledge that the government has actually attempted to deal with the issue in good faith. As I said, and as the member for Armadale will outline in a minute, we are not talking about money that was not earned; we are talking about the

**Extract from Hansard**

[ASSEMBLY — Wednesday, 21 March 2012]

p1030b-1044a

Mr Ben Wyatt; Mr Roger Cook; Mr Murray Cowper; Dr Tony Buti; Ms Janine Freeman; Mr Fran Logan; Mr Colin Barnett

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wages of people who worked. As a result of government legislation of the day, the government, which was the legal guardian of the Aboriginal people, stole the money—it did not give the money back. As a result, many people missed out on participating in any of the wealth generated during those incredible post–Second World War years in particular. Previous Commissioners for Native Welfare made the point that the Aboriginal people who were working for very minimal wages—often just for board and food—made the pastoralists incredibly wealthy. Those Aboriginal people did not participate in any of that wealth creation.

We are not calling on the government to simply pay everything back plus interest. However, we are calling on the government in our motion to make the point that if it wants to settle this issue, it must be done in good faith and the government must open it up to everyone who had wages stolen. It is inconceivable to think that today a government that took money and property from anyone would not be required to pay back the money with interest. This is one of the few remaining blights on Western Australian Aboriginal and non-Aboriginal history that we need to resolve, and we must resolve it in this place if it is to have any impact. All the minister has done by issuing this media release is cause more discontent, upset more people and create more of an issue over stolen wages than there was previously. I dare say that the response by the former Minister for Indigenous Affairs, the Deputy Premier, would have been more generous in spirit and resources than what we have seen from this minister. I believe that the Deputy Premier wanted to resolve this and genuinely wanted a response to the issue so that he could stand up and say, “This will not make everyone happy but it will honestly resolve this issue and the government’s involvement in some of these horrendous activities that occurred over a long time.”

I say to members of the government that this is not a hard motion to support. In terms of fairness, equity and resolving one of the most damaging aspects of Aboriginal and non-Aboriginal relationships, we need to resolve this. I commend this report to members and encourage them to read it so they will see some of the horrendous activities that took place. I read my family’s file and it is extraordinary what the government could get away with under the powers given by this place over 100 years ago during the twentieth century. It is extraordinary. Let us now try to deal with this issue properly. It is not a matter of a huge financial impost; it is a matter of opening something up to resolve an issue that damaged people terribly as a result of government policy and who still remain in absolutely devastating poverty because of the policy and legislation of former governments. I commend this motion to all members of the government and hope that some of them will find it in themselves to vote for it.

**MR R.H. COOK (Kwinana — Deputy Leader of the Opposition)** [4.35 pm]: I commend the comments and contributions of the member for Victoria Park and shadow Minister for Indigenous Affairs, who has done a superb job laying out the case in support of this motion. I also look forward to the contribution of the member for Armadale, who has done a lot of work in this area. This must be the icing on the cake for a dreadfully racist and unhappy chapter in the history of this state. A number of pathways towards reconciliation have been identified in different parts of this country. Obviously, there is the pathway around the issue of land, and native title has provided some pathways down which communities have come together to resolve those issues. Recently the issue of the stolen generation was raised, and we can provide some reparation by acknowledging the pain wrought on the Aboriginal community through the policies of the past. Stolen wages is another one of those pathways to reconciliation. It has not attracted a great deal of attention in Western Australia but it is just as important to get this right and to provide some closure on this horrible aspect of our shared history.

It is incumbent upon the government—any government—to provide some dignity, respect and closure in the handling of this issue. I accept that at the margins and across a range of policy instruments there will be differences about the way people believe we should go about that. However, there is a moral obligation on the government to provide a dignified and respectful response to this very sad part of our racist history. This government has comprehensively failed that obligation. I have had the privilege of being the national president of Australians for Native Title and Reconciliation, which has done a great deal of work on stolen wages. We as a country are indebted in particular to the work of Queensland historian Dr Ros Kidd, who has done a great deal of research and assisted Aboriginal communities right across this country to agitate and advocate for a response to the stolen wages issue. She was particularly successful in Queensland, where the first response to stolen wages was put together. What was done in Queensland is considered below best practice by current standards. In 2002, Queensland set up a \$55.4 million fund against which Aboriginal people could make an application to receive some recompense for stolen wages. The government actively and openly made available records regarding people’s personal situations, or that of their parents or grandparents, and provided the information that people needed to make an educated claim.

**Mr M.J. Cowper:** Can you recall whether those figures were indexed?

**Mr R.H. COOK:** The \$55 million?

**Mr M.J. Cowper:** Yes.

**Extract from Hansard**

[ASSEMBLY — Wednesday, 21 March 2012]

p1030b-1044a

Mr Ben Wyatt; Mr Roger Cook; Mr Murray Cowper; Dr Tony Buti; Ms Janine Freeman; Mr Fran Logan; Mr Colin Barnett

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**Mr R.H. COOK:** No. It was a single grant. It either included or was in addition to about \$10 million, which at that stage was left in the Aboriginal trust fund of that state. That was essentially the fund into which many Aboriginal wages were poured.

**Mr M.J. Cowper:** Did they accumulate over time?

**Mr R.H. COOK:** The fund?

**Mr M.J. Cowper:** Yes.

**Mr R.H. COOK:** I am not sure. It was identified as a single portion of moneys against which the Aboriginal community could claim. They could claim from 2002 and it was ultimately extended to January 2009.

**Mr B.S. Wyatt:** Was that in Queensland?

**Mr R.H. COOK:** That was the Queensland response. So, it lasted for nearly seven years. That is instructive in terms of what at that point was considered to be a fairly inadequate, but at least a decent, response to the issue of stolen wages. Fast forward to 6 March, and we see the response from this government in terms of stolen wages: there is no dignity, no respect and no significant portion of funds about which they could make claims, and there is no acceptance that a wrong was done in the past and, most importantly, no closure for Aboriginal people.

The task force given the job of discovering the circumstances and scale of stolen wages in this state was set in train by the previous Labor government. When I was the shadow Minister for Indigenous Affairs—indeed, it occurred when Hon Sally Talbot, MLC, was the shadow minister—I asked minister after minister what we were doing to respond to the issue of stolen wages. I asked when we would see a response to the stolen wages report. The former Minister for Indigenous Affairs, the member for Dawesville, on two occasions said that it had gone to cabinet and a response was imminent. The member for Victoria Park is right when he said that the minister was genuinely embarrassed about the failure of his government to respond in a timely fashion. We can now see why that embarrassment existed. Indeed, he must look back at this response and find that embarrassment is compounded.

I raised this issue most recently with the parliamentary secretary representing the Minister for Indigenous Affairs in the last round of estimates hearings. He had a similar look of embarrassment. I think the parliamentary secretary shared a genuine concern about the lack of action in this regard. I guess, too, he now looks upon the renouncement of 6 March with some dismay and thinks, “Why have we been so lax in responding to this very important issue?”

It is said that we have a different stolen wages issue in Western Australia from that which existed in other states. It was said that a lot of the stolen wages were taken by private operators on pastoral leases and other related businesses such as farming and so forth. Understand that this was done entirely under the legislative regime of this government. Pastoral lease owners were able to take moneys from Aboriginal workers specifically under statute of the government. The government had a legal responsibility to oversee the welfare of Aboriginal people. Through the laws of this state, the government provided a mechanism for this process to take place that would not have otherwise happened. In 1839, Governor John Hutt offered bounties to settlers who employed and trained Aboriginal workers in some other parts prior to the introduction of convict labour in 1850. By the 1860s, Aboriginal labour camps were essential to station operations north of the Murchison River, where convict labour was barred. What we are looking at here is a government that looked to provide a similarly wage-competitive workforce to those utilising convicts. In essence, it was legalised slavery of the Aboriginal population. It is clear that under those acts—the Aboriginal Protection Act and the Aborigines Act 1897—pastoral lease owners and other farmers engaging Aboriginal labour did so under the authority of the Western Australian government. This is in addition to the direct garnishing of pensions and wages and other acts which the government would do directly in relation to Aboriginal people.

I want to state here clearly that the government has a positive obligation in relation to stolen wages. Not only was the government specifically responsible for acts that we now identify as stolen wages, but government authorised, through legislation, stolen wages to be perpetuated by farmers and pastoral lease owners. As the member for Victoria Park said, the task force was a really important process. It brought people together to talk about these issues, and it raised a very reasonable expectation among the Aboriginal community that the state government was taking this issue seriously; that is, that we were about to put a line under a very sad and sorry part of our racist history. What the minister did on 6 March was shoot down those expectations. On 6 March, the minister brought back to life the very real and raw nature of the hurt brought about by stolen wages. This is multigenerational.

At the time the stolen wages report was delivered to the government, it was noted that many of these people are now advanced in years. No member in this chamber needs a lesson in terms of the relative life expectancies

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**Extract from Hansard**

[ASSEMBLY — Wednesday, 21 March 2012]

p1030b-1044a

Mr Ben Wyatt; Mr Roger Cook; Mr Murray Cowper; Dr Tony Buti; Ms Janine Freeman; Mr Fran Logan; Mr Colin Barnett

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between Aboriginal and mainstream populations. When this report was delivered in 2008, there was a very urgent need for government to address this issue. As we know, these people, advanced in their years, were sadly starting to leave us. It is a very real prospect that many people who gave evidence to the stolen wage task force about their personal experiences are no longer with us. They gave evidence about their personal circumstances, about what happened to them, about their stolen wages, about the hurt they feel about that, and about the ongoing pain associated with it, but they are no longer with us—some might say thankfully, but they are no longer with us to see this government response.

In conclusion, this is a very sad experience not only for the Aboriginal community but for all Western Australians who see governments of any persuasion in this state with a very real and positive moral obligation to address the history of our dispossession of the Aboriginal people's culture, rights and land. We had an opportunity to add to the tapestry or mosaic of activities going on around this country to contribute towards reconciliation. The government comprehensively failed that moral obligation. This is a very sad occasion and it is a loss of a very real opportunity. Many on the government side of the chamber would feel embarrassed and would understand the hurt associated with this response. It is not too late for us to respond in a different way. The Aboriginal society must be one of the most patient people ever to walk this earth. They have seen a history of hurt and have seen a history of racism impacting upon their community, and yet time and time again they come up with a great generosity of heart and spirit and thank us for acts of reconciliation. I hope we have the opportunity to reverse the hurt associated with this announcement. I hope we have the opportunity to address properly the issue of stolen wages. I hope we have the opportunity to provide some dignity, some respect and most importantly, of course, some closure to this very sad chapter of our history, and I hope the members on the other side of the chamber will support this motion to make sure that the government takes notice of and changes its mind about this very lax and very inadequate response to the stolen wages report.

**MR M.J. COWPER (Murray–Wellington — Parliamentary Secretary)** [4.51 pm]: First of all, I would like to make some comments on the debate on the motion before the house, and I will then refer to some speaking points that have been provided by the office of the Minister for Indigenous Affairs. As members would appreciate, the decision to make ex gratia payments was made at ministerial level and, as such, was obviously done through the ministerial process and submissions to cabinet, in which I have no part. However, I would like to acknowledge the very good debate from the members for Victoria Park and Kwinana, specifically the very altruistic way in which the member for Victoria Park referred to his situation and how it affected his own family. I think it can be observed that the member is a dutiful son and grandson in coming into this place and highlighting the wrongs that have occurred over many, many years.

One salient point that I think we all need to observe is that when these decisions were made in this place over 100 years ago, they were probably made by people who thought they were doing the right thing at the time. Of course, in the hard light of today's society we now observe that it is a very shameful period in the history of Western Australia. One thing that surprised me last year at the budget estimates hearings was the member for Kwinana's comment on this matter of stolen wages. Until that time I thought I had a fairly good handle on the history of Western Australia, and on the various Indigenous populations and the various lands that belong to various skin groups of Western Australia. I have had the privilege in my life to be involved with many of those people right across the great length and breadth of Western Australia.

I can tell members that some of the pastoral companies were quite grand, particularly in the Kimberley where significant communities, almost townships, existed on these cattle stations. The point that has been raised by members in the debate is that the situation that existed on these stations was almost akin to slavery. Whilst that first comment kind of set me back and I thought the word "slavery" was perhaps a little strong, I looked at the matter with fresh eyes after hearing those viewpoints. Some of these cattle stations in the Kimberley, such as Sturt Creek Station, Nicholson Station, Gordon Downs Station, were in effect little towns. The station owner lived in a grand house at the end of the driveway and leading into the cattle station were houses dotted along very neatly kept tree-lined roads. They also had stores for provisions in the stations and a small school with education and teaching facilities. When I went to the Kimberley, I found that a lot of these townships had been abandoned. The cattle stations had been sold off to large corporations such as Vestey, Kidman and the like, and all I saw were the remnants, which looked almost like little ghost towns. When I and others were out looking for the two missing stockmen, Amos and Annetts, we actually went to little community-type cattle stations and searched these buildings in the belief that these two missing stockmen had disappeared.

The particular point that the member for Kwinana made at budget estimates took me back a bit. I believe that all of us in this place are good Australians. We work under the principle of a fair go for everybody and that someone who does a day's work should be paid accordingly. It set me back to note that money was set aside, albeit under an act of legislation that perhaps 100 years ago may have been seen as beneficial to the Indigenous population. But, of course, in the cold, hard light of today, I do not think anyone would argue that it was an

**Extract from Hansard**

[ASSEMBLY — Wednesday, 21 March 2012]

p1030b-1044a

Mr Ben Wyatt; Mr Roger Cook; Mr Murray Cowper; Dr Tony Buti; Ms Janine Freeman; Mr Fran Logan; Mr Colin Barnett

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acceptable situation. As was pointed out in the debate, this matter has been discussed by a series of governments—in fact not discussed, but ignored by a series of governments over a long period. For the record, the matter was raised by the previous government in 2006 and a document was provided to the government of the day in 2008. Whilst three and a half years have passed since then and there has been a change of government, there was an opportunity for the previous government to have addressed this situation. During the course of discussion during estimates, I recall that the member for Dawesville and Deputy Premier was quite rightly keen to see this matter resolved. In fact, I understand he may even make it back to the chamber this evening to make some contribution to debate on this motion.

However, in the case of the stolen wages a particular point needs to be highlighted. It is that the \$2 000 being offered to people who had wages stolen from them is not an attempt to repay those wages that were taken from them. It is simply an acknowledgement by this government that people had money taken from them in circumstances that were wrong, and, as such, this \$2 000 is an *ex gratia* payment that does not preclude individuals from pursuing a claim for their rightful amount of money. The contributions from the members for Victoria Park and Kwinana—hopefully the member for Armadale will be able to contribute—have gone into *Hansard*. It has been a worthwhile debate and one which, obviously, the Minister for Indigenous Affairs and the Department of Indigenous Affairs will have access to. They will listen to the particular salient points that have been raised in this place today.

I will now engage in reading the response I received from the minister's office. It is as follows. On 6 March 2012 the state government announced a reparation payment scheme, open for six months from 7 March to 6 September 2012, for Aboriginal people who were subjected to state-sanctioned financial controls between 1905 and 1972—the practice that has become known as stolen wages. The report of the Stolen Wages Taskforce, which was presented to the Minister for Indigenous Affairs in the previous Labor government on 2 July 2008, was released at the same time.

Under former legislation such as the Aborigines Act 1905 and the Native Welfare Act 1963, employers, including the state government, held money and property belonging to Aboriginal people in a complex network of trust accounts. The Stolen Wages Taskforce was established in an attempt to uncover individuals who had their legitimate earnings, pension entitlements and other property held in trust and not returned, and the value of these entitlements. The task force found extensive evidence of systemic, direct control over Aboriginal people's money throughout the period in question. It also found that, as a result of the complexity of trust accounts in WA, the lack of surviving records and the passage of time, it would not be possible for the state government to identify and repay the actual amount of moneys that were withheld for each person. In response, the state government announced a reparation scheme of a \$2 000 *ex gratia* payment to Aboriginal people born prior to 1958 who are deemed to have potentially experienced direct government control over their income during their residency at Moore River Native Settlement, Carrolup, Mulla Bulla Station and Sister Kate's Home; and other government Native Welfare settlements in Western Australia. A statutory declaration with relevant supporting information will be accepted as adequate evidence of an *ex gratia* payment. Applicants to the reparation scheme will retain their rights to take legal action on this matter. I think it is a very important matter for members in this place to observe. The notes indicate that it should be noted that the amount offered is not an attempt to repay the wages that were withheld. Rather, it is an acknowledgement by the state government that the practice of stolen wages did occur. The actual modelling undertaken during the task force's work is therefore not relevant to the government's decision on the payment of the payment offer.

**Mr B.S. Wyatt:** Can you read that last bit back to me?

**Mr M.J. COWPER:** The actual modelling undertaken during the task force's work is therefore not relevant to the government's decision on the payment of the payment offer.

**Mr B.S. Wyatt:** Therefore it will not be released?

**Mr M.J. COWPER:** The government does not intend to make the actuarial modelling publicly available. The notes outline that eligibility is restricted to people still living because of the administrative and logistical difficulties of including descendant claims. This is also consistent with the task force report on stolen wages. The government is also mindful that attempts to include descendant claims in other states have been highly problematic, requiring a high administrative impost for governments without achieving any positive results. As the eligibility requirement and application process have been made as straightforward as possible, the state government considers that the six-month period that applications are open is a reasonable time frame for applicants.

The Department of Indigenous Affairs has an Aboriginal history research unit, which can assist Aboriginal people to access their personal family history records. Further, the stolen wages task force itself undertook

**Extract from Hansard**

[ASSEMBLY — Wednesday, 21 March 2012]

p1030b-1044a

Mr Ben Wyatt; Mr Roger Cook; Mr Murray Cowper; Dr Tony Buti; Ms Janine Freeman; Mr Fran Logan; Mr Colin Barnett

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extensive archival research, and the conclusions in the task force report, now made available by the current government, represent a thorough analysis of the issues and evidence available. In setting the amount of the payment offered and determining the eligibility criteria, the government needed to balance the claims of those affected against the contemporary needs of Aboriginal Western Australians.

**Dr A.D. Buti:** What is the estimation of the total amount you will have to pay out?

**Mr M.J. COWPER:** I do not have those figures before me, member.

**Mr B.S. Wyatt:** Do you mean all-up? I might have heard somewhere that the budget is \$3 million or \$2 million. I will check. Sorry, member.

**Mr M.J. COWPER:** The notes continue. It should be noted that the state government invests heavily in measures intended to improve life outcomes for Aboriginal people. These investments are, to a large degree, based on recognition that the disadvantage experienced by many Aboriginal people is a result of discriminatory legislation and policy that existed in the period 1905 to 1972. Applicants are encouraged to call the Department of Indigenous Affairs on toll free 1800 441 570 if they wish to discuss their eligibility of the process to apply.

Members, given that this debate has come before this place, it is obviously on record, and the points that members make in this place, I am sure, will come to the attention of the relevant minister and the government departments. Thank you.

**DR A.D. BUTI (Armadale)** [5.03 pm]: I rise to support the motion before the house. May I say that it is a privilege to follow the contribution made by the member for Victoria Park, ably supported by the member for Kwinana, and I thank the member for Murray–Wellington for his response on behalf of the government. While I do not hold any grudge against, or seek to direct any anger towards, the member who is relaying the government’s position, I must say that the government’s position is one that angers me, and I am not easily angered.

One thing the member stated is definitely true. The paltry \$2 000 offer he quoted certainly is not an attempt to repay the amount that was stolen. There could not be a truer word spoken in this debate.

**Mr B.S. Wyatt:** It does not do that, member; you are right.

**Dr A.D. BUTI:** I compare what the recent victims of the Margaret River bushfire are being offered by this government, which I believe is around \$170 000—I would not for one moment say they do not deserve that; not for one moment—with the paltry \$2 000 being offered to Aboriginal people who had their wages withheld or stolen. To make matters worse, many of those Aboriginal people who have been discriminated against under various protective legislation in Western Australia are deceased, so why cannot their descendants receive payment? As the member for Victoria Park mentioned, if his father passed away now, he would be entitled to his father’s estate. These lost wages are part of the estates of the deceased.

May I point out to members that I am not talking about fairyland stuff. My remarks are based on a very well-known principle under international law. Stealing people’s property is a human rights violation. I refer the house to the finding in a case from 1993 in the Inter-American Court of Human Rights, which states that descendants of victims who are now deceased and who have been subjected to human rights violations are entitled to receive compensation. The member for Murray–Wellington said that the government’s rationale was that it would be too difficult to ensure that all the money is repaid to the descendants. It would not be; not at all.

**Mr M.J. Cowper:** What was the experience in New South Wales, member? I would like to hear.

**Dr A.D. BUTI:** There were some problems in New South Wales, but they were overcome. Anything can be overcome with goodwill. If it is such a difficult situation, why are we allowing only six months within which people can make an application? If it is such a difficult thing to do, we should be allowing them two or three years to make an application. It is quite amazing. We are dealing with a historical situation that went on for decades, and we are saying they have only six months to make an application—six months to make an application for compensation as a result of violations that occurred over decades.

**Mr B.S. Wyatt:** For people who had almost their entire lives impacted by this.

**Dr A.D. BUTI:** That is exactly right. I was going to start my contribution today by stating something I am sure all members will understand and, I think, all believe in: an honest day’s pay for an honest day’s work. That is all we are asking. We are asking that Indigenous people who work should receive the income they deserve. If they are deceased, their relatives should receive that income. I should say, though, that although we are talking about an honest day’s pay, unfortunately under the protective legislative scheme that established the 1905 Aborigines Act, in many instances, Aboriginal people were not paid a fair day’s wage. We are talking about compensation of \$2 000. If we take inflation into account, \$2 000 means nothing. If we were to attach the consumer price index

**Extract from *Hansard***

[ASSEMBLY — Wednesday, 21 March 2012]

p1030b-1044a

Mr Ben Wyatt; Mr Roger Cook; Mr Murray Cowper; Dr Tony Buti; Ms Janine Freeman; Mr Fran Logan; Mr Colin Barnett

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and inflation to the money that was stolen at the time labour was expended by these particular Aboriginal people, it would amount to more than \$2 000. As the member for Murray–Wellington said, this will be in *Hansard* and, hopefully, the government will revisit this.

I will now break down this issue into three areas: reparation, which is a political issue in many respects; the legal issues; and the issue of reconciliation, which is also political. Reparation is a term that refers to restoring justice, atoning and making amends for a wrong. The government will say that it is doing that by offering \$2 000. There is no doubt that that is a reparatory measure. But to be considered to be proper reparation, it must have some proportionality to the wrong that has been committed. In this case, we are not talking about the stolen generations, which is always a much more difficult issue to talk about because of the various motives and philosophy at the time; we are talking about something that everyone understands. When people work, they get paid. Under the scheme we had, the government withheld the wages that were properly earned by a number of Indigenous employees. That is what stolen wages is about; they are the payments earned by Aboriginal employees that have been withheld from them by the government.

Reparation is a well-known principle in international political and legal theory and also in Australian political and legal theory. It can be considered to be corrective justice. It can be considered to be distributive justice—trying to alleviate inequality. It can also be seen to be restorative justice—trying to restore the relationship that has been broken. This is the distrust that many Indigenous people have towards governments. No wonder they have that distrust when their wages were withheld from them. That is the reparation model, which the government must understand because it has offered \$2 000. That is a reparatory measure; it is not an adequate reparatory measure, but it is obviously an understanding and acknowledgement —

**Mr M.J. Cowper:** It wasn't reparation; it was more *ex gratia* to acknowledge that they have done wrong.

**Dr A.D. BUTI:** Yes, an *ex gratia* payment is a reparatory measure. The point is that we are not looking at *ex gratia* payments; we are looking at money that was earned and that should go back to the rightful owners or their descendants. That is what should happen.

**Ms J.M. Freeman:** Earned and invested—not just earned, but invested.

**Dr A.D. BUTI:** Earned and invested; that is exactly right.

I now move to the legal aspects. We need to look at three issues: guardianship law, trust law and fiduciary law. As the member for Victoria Park mentioned, under the legislative scheme in Western Australia from 1905 to the 1960s, the government was the legal guardian of Aboriginal people. Guardianship law has a long history; it goes back to Roman times. Basically, there are many duties that a guardian owes to the person they are the guardian of. The number one overriding duty is to always act in the best interests of the person they have responsibility for. We do not need to go over the historical facts of how that was breached, but it was obviously breached. Let us look at trust law, because that is where there is a legal argument. The member told us that this is only an *ex gratia* payment and that of course Indigenous people have a right to go to the courts. How unrealistic! Where is this government coming from? If it knew who it was dealing with, it would know that the possibility of a successful legal action is remote.

**Mr B.S. Wyatt:** Member, even the whole idea of a statutory declaration to make your case is going to be almost an unsurmountable obstacle.

**Dr A.D. BUTI:** Exactly. In many respects, it is basically a legal fiction to say that these Indigenous workers can go to court to claim the money that is rightfully theirs. An express trust is established if three things are made out: an intention to create a trust; trust property—the subject matter—which in this case is obviously the money; and some beneficiaries, who in this case are the Indigenous employees. It is very easy to make out two parts of the three certainties. Subject matter is easy; that is the money. The beneficiaries are easy; they are the Indigenous employees. There is some argument over whether there was an intention to create a trust. Did the government intend to create a trust? Some legal arguments need to be overcome. One is the so-called political trust issue that governments do not create a trust for their citizens, and there is an issue of sovereign immunity. The fact is that they are easily overcome. The fact is that the statute and the actions pursuant to the statute created a trust.

**Mr B.S. Wyatt:** In terms of evidence of a trust, there were specific regulations from the act saying that up to 75 per cent of wages could be taken and placed into an account.

**Dr A.D. BUTI:** That is right. The political trust argument that would be used as a defence does not hold under the legislative scheme that we were operating under. In this case, the chief protector or the Commissioner of Native Affairs, as the legal guardian of Aboriginal people, held money in trust. Who did he hold money in trust for? He held it for the Indigenous employees. Now this government is telling us that that money was held in trust. As the member for Nollamara rightly pointed out, there is an issue of investment, because of course that

trust money should have been earning some interest. But let us leave that aside for a moment. How can we equate the money earned? This is the party of free enterprise. I am sure that the member for Riverton would be completely in agreement with me when I say that under a free enterprise system, we have to ensure that labour is properly paid for. In a market situation, labour that is expended is rewarded. What did we have in this case? Of course, we had underpayment in many cases due to legislation, but let us leave that aside. Let us talk just about the money that was placed in the trust accounts, because that is basically what they were—trust accounts. Where is that money now? It has been stolen. That is why they are called stolen wages. The government has the temerity to say that it will give an ex gratia payment. What did the minister say when he was being criticised, rightfully, in the media last week? I think the member repeated it today. I am not blaming the member as such. The minister said that the government needed an outcome and that this is an outcome. Is the government going to run the administration of this state on the basis —

**Mr B.S. Wyatt:** That is an absolutely outrageous thing to say.

**Dr A.D. BUTI:** It is just an outcome! It does not matter that the \$2 000 has no relevance to the money that was earned. But it is an outcome. How appalling can the government be? We have a legal situation of a trust being established. There is intention, the subject matter is the trust property, and the beneficiaries are the Indigenous employees, yet the government's response is to give them \$2 000 but to tell them that they have to hurry up and make their applications within six months, but if the worker is deceased —

**Ms J.M. Freeman:** Just be grateful for that!

**Dr A.D. BUTI:** Just be grateful; certainly. If the worker is deceased, their descendants are not entitled to that money. Under the law of succession, trust money goes into the estate and it is distributed to the beneficiaries. The beneficiaries under normal succession law are the descendants. Of course, generally it would be the spouse or the kids. That is how our system works. But this government has decided that it will discriminate against Indigenous people. We have had this historical discrimination due to the legislative scheme in place from 1905 to at least the 1960s, but this discrimination in effect continued. But what is the government doing now? In order to rectify that historical injustice, it will discriminate again. We are not even talking about a historical injustice; we are talking about a contemporary injustice. The contemporary injustice is that moneys were earned by Indigenous people and the moneys were held in trust under normal trust law. The government might want to argue that there cannot be a trust because of the old immunity political trust argument, but it is superseded by the statutory scheme that we are working under. Therefore, we have the express trust in place, but where has the money gone? If this happened today, there would be a royal commission, there would be a Corruption and Crime Commission inquiry and there would be people going to jail. But it does not matter, because they are only Indigenous people; we just need an outcome! Maybe this government has attempted to make a significant reconciliatory gesture in regard to the native title issue. But not to ensure that we have justice in regard to stolen wages will undo any potential reconciliation that comes out of any final settlement of the south west native title settlement. It is incredibly important that this government rethink its paltry offer of \$2 000. It needs to rethink on these three grounds: from a reparation point of view, from the point of view of trust law, and from the point of view of reconciliation.

[Member's time extended.]

**Dr A.D. BUTI:** There is another point I should mention before I conclude my contribution to this debate. We talked about guardianship law and we talked about trust law; there is also the law of fiduciaries. I do not want to exaggerate about fiduciary law when it comes to government and Indigenous people in Australia. The law in Australia has not developed as quickly or as expansively as it has in Canada. We can say about the fiduciary law as it currently stands in Australia that the government, as the trustee of the money that was earned by Indigenous people, had a fiduciary duty to ensure that that money was properly protected and was distributed to the Indigenous people at the appropriate time. There is no difficulty in arguing that case. Under current law—fiduciary duty as it stands in Western Australia and Australia—the government is the trustee of this money; it has an obligation as a trustee and it also has an obligation as a fiduciary. This means that the money earned by Indigenous people needs to be returned to them. Therefore, the minister's response that we have an outcome is completely offensive to many Indigenous people. I commend the motion to house.

**MS J.M. FREEMAN (Nollamara)** [5.23 pm]: I to rise to speak on this motion and I, like my colleagues, want to congratulate our members on a very thorough examination of this issue. I particularly congratulate the member for Armadale for his thorough outline of the fiduciary duty represented by the trust. I think this is a very important point to make because that is why the modelling has to be made public. This was Aboriginal people's money and this was worker's money. Whether they are Aboriginal or not is in some ways completely irrelevant.

**Extract from Hansard**

[ASSEMBLY — Wednesday, 21 March 2012]

p1030b-1044a

Mr Ben Wyatt; Mr Roger Cook; Mr Murray Cowper; Dr Tony Buti; Ms Janine Freeman; Mr Fran Logan; Mr Colin Barnett

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It was worker's money that was put into a trust and worker's money that should be returned to those people as their duly earned money.

The "Reconciling the Past" report was given to the former Labor government just prior to the last election and, as we know, the election happened and it has taken until now for the report to be released. I stand in this place because I feel very strongly about this issue. As the assistant secretary of Unions WA I was part of the group that lobbied very strongly to take action on stolen wages and took a delegation of Aboriginal workers to see the Minister for Indigenous Affairs of the time, Hon Sheila McHale. She said the same thing that is often said; that is, that there are just not the records available. Clearly that was said in many jurisdictions. But there are enough records; there are clearly enough records and information to make that modelling available. I think it is a complete disrespect of Aboriginal people and of these workers not to make that modelling available so that we can have an open and informed debate about whether this is a reasonable amount to compensate. Clearly, it is not the same amount made available in New South Wales; I think the amount made available in the New South Wales compensation was \$11 000. In Queensland in early 2002 I think the amount was \$4 000, with a lesser amount of \$2 000 available for some relatives, and that was some time ago.

This massive loss of income of these workers is really part of a systematic action of government over time that caused the current poverty of many Aboriginal families. If these Aboriginal families had had much of this money, they would not be in situations of this sort of poverty and there would not be the systematic issues that we see in many of these communities. This decision just reinforces that systematic discrimination of governments to reinforce the disadvantage in this community, and without the modelling I am very sure that that holds true. Unless we are shown the modelling, I think we can say that this is just another part of the systematic discrimination against Aboriginal people in our community.

I quote an interesting point made on the Creative Spirit website. It reads —

It makes sense for Aboriginal people to argue that they would not be stereotyped as welfare-dependent if they had had full access to the economic base stolen from them—their wages.

I think that is very much the case. This is a foundation of their economic stability. We are now going into negotiations over an agreement for land titles, and there are aspects of what is occurring at the moment. I think this is another aspect of that sort of economic independence that needs to be given to Aboriginal people in their rightful recognition as Indigenous people and the original owners of this land.

Australia and WA's economies grew in that period that these stolen wages were taken, and the economy was obviously greatly assisted by the proceeds of these stolen wages and by the work of these people. Members standing in this place and many people in our community are advantaged by this. Many Aboriginal people are not and I think we need to recognise that. This government now needs to provide proper and adequate compensation, not \$2 000. If we think about what the member for Armadale said, victims of the recent Margaret River bushfires were offered \$170 million in compensation without undermining their capacity to take further legal action, and we are offering a paltry \$2 000. Therefore, not giving the modelling, not allowing for families to be able to get the proceeds of the trusts, not allowing them to get their estates and only giving them six months to apply for this money is quite frankly appalling and needs addressing.

**MR F.M. LOGAN (Cockburn)** [5.29 pm]: I rise to make a slight contribution to this debate about the appalling situation that Aboriginal people and their relatives remain in as a result of the current government offer to replace the stolen wages that have been held in trust all those years. As we know, Aboriginal people did not get paid at all in Western Australia until World War II, as also occurred in the Northern Territory and in Queensland. They were paid in rice, flour, tea and cast-off clothes from the station owners. That is how they got paid. Aboriginal people from those stations served in World War II, and it was only after World War II that Aboriginal people were given some sort of recognition that they were workers like everyone else in the country.

**Ms J.M. Freeman:** They didn't get the housing though.

**Mr F.M. LOGAN:** They certainly did not get the housing.

**Ms J.M. Freeman** interjected.

**Mr F.M. LOGAN:** I will just continue on, member. After World War II at least Aboriginal people working on pastoral stations were recognised as workers, and eventually some got paid. Even then, when they got paid they did not get the same amount of money that a white pastoral worker got paid. It was not until the 1966 North Australian Workers Union test case that there was equal pay for Aboriginal pastoral workers. Up until 1966, Aboriginal pastoral workers got £3 3s 3d, which is less than half of what a white pastoral worker would be paid

**Extract from Hansard**

[ASSEMBLY — Wednesday, 21 March 2012]

p1030b-1044a

Mr Ben Wyatt; Mr Roger Cook; Mr Murray Cowper; Dr Tony Buti; Ms Janine Freeman; Mr Fran Logan; Mr Colin Barnett

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in those three states. That is why the union took the test case, which eventually led to the Wave Hill walk-off, which was the forerunner of land rights in Australia.

That is by way of background of the way in which Aboriginal pastoral workers have been treated across the northern part of Australia from the 1830s right through to where we are today. Take, for example, the offer that has been made. The parliamentary secretary said we are not paying back wages; we are simply making an ex gratia payment for recognition of a wrong that was done. What does \$2 000 actually equate to? I have just been sitting here using currency conversions from old currencies to new currencies, and \$2 000 equates to £1 137 80s at today's rate of exchange. If a 1950s currency converter is used, £1 137 80s would equate to £59 14s 6d in 1950s currency. If that is then divided by the wages that were paid to an average worker around that time, which is £3 3s 3d—I am being quite generous there, because it actually would have been less in 1950; I am using 1966 figures—it equates to 19 weeks' pay. Do we honestly think that those Aboriginal workers who worked for years and years should be treated in such a way that they are only going to be recognised for 19 weeks' work?

I do not think that is fair. I know the Premier does not think that is fair. He knows that is an insult, and it is an insult. It is not even an ex gratia payment; it is actually insulting. As the Premier knows, these people worked seven days a week. They lived under a tree at the bottom of the stockyard next to the river bank. Up until the 1950s they were paid in flower, tea and sugar and some cast-off clothes, and we are saying, "Sorry about that. I know it was the wrong thing to do. I know when we paid you, we held it in a trust because we could not trust you blackfellas to actually spend the money properly. You might go and gamble it or you might go and buy some sly grog, because we cannot trust you. Therefore we'll hold it in trust for you". They never gave them the money. Now we are saying, "We're sorry about that. Here's \$2 000." In 1950s currency it is equivalent to 19 weeks' pay. It is probably less than 19 weeks' pay, because I was being generous in the currency conversion.

I just do not think that even the government thinks that is a fair and reasonable offer. I do not believe that is a fair and reasonable offer. There has to be a recognition both for those Aboriginal workers who live on today and who hope the government is going to recognise the work they put in and that they will get back the money that was put aside for them, and for the relatives of deceased workers who honestly believe that that money should be paid to them. I know that they believe that the government is going to do the right thing by them.

I implore the Premier to go back and look at the offer—\$2 000 is an insult. We have used the comparison with the offer that has been made to the poor people who lost their homes in bushfires, but these are the poor people who were not even paid. A lot of these people remember living during a time when they did not receive any money whatsoever for the work they did. Following the Second World War, they eventually got some money but not equal pay with the whitefella. Yet when they got the pay, it was stolen off them. How cruel and insulting is that! To compound that, offering them \$2 000, which is the equivalent of 19 weeks' pay, is just salt in the wound for those Aboriginal workers and their families. I implore the Premier to please go back and look at that offer and pay those workers and their families what they are entitled to.

**MR C.J. BARNETT (Cottesloe — Premier)** [5.36 pm]: I have a couple of points to make on this motion. I have listened carefully to what a number of members opposite have said, as has the member for Murray–Wellington. The cabinet, obviously, in looking at this report considered a number of points that have been made. As the member for Murray–Wellington said, this is not an attempt to try to repay the wages. The records are inadequate. We do not know what happened to the money; it happened a long time ago. There is just insufficient information. I recognise that it will be very difficult for individuals to substantiate that they had wages put into trust and to have records for it. That is just simply a reality. I acknowledge what happened. It would not happen today, but it happened in a time past. While I think the current generation can try to do what it can do to provide some recognition of that, we cannot redo the past. We cannot correct things that happened that may be seen to be unacceptable by today's standards and somehow try to put it right. I just do not think it is possible. However, I have noted the points that have been made.

This motion condemns the state government. Clearly because of the wording, we will not support it. The government does not deserve to be condemned for this at all. Once again the opposition overplays the issue. But I undertake that we will look at some of the issues that have been raised and give them some reconsideration. I will talk to the member for Murray–Wellington and others and we will look at trying to improve it. We are trying at least to give recognition to what happened. Maybe it is symbolic; I know that some Aboriginal people have said—not directly to me, but I have heard reports—that at least there is some recognition of that and at least something is being done. To many Aboriginal people, that is important. There are no records, there is no information. It is going to be very difficult to substantiate any claims. I do not think anyone wants to get into a long, convoluted process. I will have a discussion with the member for Murray–Wellington and the

**Extract from Hansard**

[ASSEMBLY — Wednesday, 21 March 2012]

p1030b-1044a

Mr Ben Wyatt; Mr Roger Cook; Mr Murray Cowper; Dr Tony Buti; Ms Janine Freeman; Mr Fran Logan; Mr Colin Barnett

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minister, and I undertake that we will look at some of the issues raised, but we will not support the motion as it is worded.

**Mr B.S. Wyatt:** Just while the Premier is standing there, the first point in my motion is in respect of modelling that was done by the task force. The Premier does not need to respond now. It is referred to a number of times in the report. They got some actuarial modelling of the trust moneys—how much, over what period of time? Can the Premier consider releasing that?

**Mr C.J. BARNETT:** The word “modelling” gets loosely used. To the best of my understanding there is —

**Mr B.S. Wyatt:** There were Department of Treasury people on the task force; I am assuming there were.

**Mr C.J. BARNETT:** We may comment on that and give the member some information. You can have a model, but you have to have data, as the member well knows, and I do not think the data is there.

**Mr M.J. Cowper:** The time frame as well.

**Mr C.J. BARNETT:** Yes, there are issues. We will look at, particularly, the time frame issues, but we will also look at some of the other issues. In case people get the wrong expectation, I do not anticipate that the amount of \$2 000 will rise, but we will certainly look at the time frame issue and perhaps some of the other issues. On that basis, as has been said, we do not support this motion, but we will take on board and look at some of the issues raised.

Question put and a division taken with the following result —

Ayes (20)

Ms L.L. Baker  
Dr A.D. Buti  
Ms A.S. Carles  
Ms J.M. Freeman  
Mr J.N. Hyde

Mr W.J. Johnston  
Mr J.C. Kobelke  
Mr F.M. Logan  
Mr M.P. Murray  
Mr A.P. O’Gorman

Mr J.R. Quigley  
Ms M.M. Quirk  
Mr E.S. Ripper  
Mrs M.H. Roberts  
Mr C.J. Tallentire

Mr A.J. Waddell  
Mr P.B. Watson  
Mr M.P. Whitely  
Mr B.S. Wyatt  
Mr D.A. Templeman (*Teller*)

Noes (26)

Mr P. Abetz  
Mr F.A. Alban  
Mr C.J. Barnett  
Mr I.C. Blayney  
Mr J.J.M. Bowler  
Mr I.M. Britza  
Mr T.R. Buswell

Mr G.M. Castrilli  
Mr V.A. Catania  
Mr M.J. Cowper  
Mr J.H.D. Day  
Mr B.J. Grylls  
Mrs L.M. Harvey  
Mr A.P. Jacob

Dr G.G. Jacobs  
Mr R.F. Johnson  
Mr A. Krsticevic  
Mr W.R. Marmion  
Mr P.T. Miles  
Ms A.R. Mitchell  
Dr M.D. Nahan

Mr C.C. Porter  
Mr D.T. Redman  
Mr M.W. Sutherland  
Mr T.K. Waldron  
Mr A.J. Simpson (*Teller*)

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Pairs

Mrs C.A. Martin  
Mr P.C. Tinley  
Mr R.H. Cook  
Ms R. Saffiotti

Dr K.D. Hames  
Dr E. Constable  
Mr J.M. Francis  
Mr J.E. McGrath

Question thus negatived.