



Hon Simon O'Brien MLC
Chairman
Standing Committee on Environment &
Public Affairs
Legislative Council Committee Office
18-32 Parliament Place
West Perth WA 6000

Dear Simon,

RE: Petition No 40 – Stolen Wages Reparation Scheme WA

I thank you for your invitation to provide a written submission regarding the issues raised in the Stolen Wages Reparation Scheme WA Petition No.40, which was tabled by me on 17 June 2014. The issues that are the subject of the Petition have not been referred to the Parliamentary Commissioner for Administrative Investigations (Ombudsman).

I am very keen that the matters raised in the Petition be investigated by the Committee on Environment and Public Affairs and I will provide all assistance as required.

In this context, I recommend you read the report of the Senate Standing Committee on Legal and Constitutional Affairs: Unfinished Business – Indigenous Stolen Wages, December 2006.

This report made a number of recommendations, including some specific to the Western Australian Government (Recommendation 4). Of particular interest is (a) part (ii) of that recommendation: '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'.

Key parts of the NSW scheme were:

1. An apology for the practices of previous Governments.
2. Establishment of an Aboriginal Trust Fund Repayment Scheme (AFTRS) in 2004 to fully reimburse claimants for wages paid between 1900 and 1968 at today's values.
3. Changing the AFTRS to lump-sum (ex-gratia) payments of up to \$11,000, taking into account non-documentary and oral evidence when considering applications.
4. Continuing the scheme continued until 2011.

In 2007, the WA Government appointed a Taskforce to look into the matter. This group handed down its report in 2008, recommending that the Government implement a package of policy initiatives to recognise the common experiences of many generations of Aboriginal people and to reconcile the past practices of Government control.

According to the Taskforce report, the package should have included such measures as monetary repayment as well as a range of initiatives to assist in healing the many consequences of the controls placed over Aboriginal people's money including, but not limited to, the loss of language, culture and family cohesion.

PORTFOLIO AREAS:

ENERGY & CLIMATE CHANGE; MINES AND PETROLEUM; STATE DEVELOPMENT & INDUSTRY; NUCLEAR ENERGY; LOCAL GOVERNMENT;
WASTE MANAGEMENT; PORTS; PASTORAL ISSUES; ABORIGINAL ISSUES; RACING AND GAMING; AND REGIONAL SUSTAINABILITY.

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Aboriginal people who took part in Taskforce consultations did so seeking to know the past, learn the truth and find some closure.

Sadly, the WA Government's response has been slow and woefully inadequate and has delivered little to benefit the Aboriginal community.

Only one recommendation of the Taskforce was adopted – that of making a single ex-gratia payment to those Aboriginal people forced to live in selected hostels, settlements and missions (excluding reserves and pastoral stations despite similar controls over lives and property being applied) and whose wages and entitlements were withheld.

This payment was capped at \$2,000 and the scheme was available for just eight months in 2012, four years after the release of the Taskforce Report. No explanation has been forthcoming as to how the amount was determined nor why the scheme was terminated after such a short time.

There has been no apology. Indeed the Minister for Aboriginal Affairs has, in response to many questions in Parliament, ruled out making an apology or any other statement officially recognising the harm caused by Government controls over Aboriginal people, their wages and entitlements.

There has been no common experience fund established, as recommended, aimed at encouraging economic development in Aboriginal communities.

To the extent that community healing and therapeutic services have been offered, and Aboriginal family history and archivist training has occurred, there is no indication of what, if any, additional services have been created as a result of the Taskforce's recommendations.

In relation to the difficulties experienced by former station workers, I refer members to Chapter 5 of the Taskforce report 'Systems of Control between State and Commonwealth'.

This part of the report examines the relationship between direct and indirect State control over the payment of Commonwealth entitlements to Aboriginal people, and the appointment of 'warrantees', including station managers, who considered the bulk payments of pensions (to their workers) a form of subsidy, and kept them to benefit the station (and themselves).

This practice points to a clear failure by the WA Department of Native Welfare to adequately monitor the warrantee system and protect those for whom they had responsibility to 'protect'.

I wish the Committee members well in their investigations and deliberations and look forward to a more just solution to a matter that has long been contentious.

Yours sincerely



The Hon Robin Chapple MLC
Member for the Mining and Pastoral Region

16th July 2014