

WA government faces class action to recover wages stolen from Indigenous workers

Up to 10,000 workers whose wages were unpaid, and a 'substantial' number of their descendants, are expected to be eligible



A class action has been launched against the WA government over wages stolen from Indigenous workers.

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A class action has been launched against the West Australian government in the hope of recovering wages stolen from Indigenous workers, amid warnings many elderly complainants may not live to see the matter resolved.

Shine Lawyers is lodging the class action in the federal court on Monday on behalf of workers whose wages were taken as part of a labour scheme operated under the Native Administration Act 1936 and Native Welfare Act 1963.

Up to 10,000 workers are expected to be directly eligible, as well as a “substantial” number of their descendants, the firm’s senior associate Tristan Gaven said.

The WA government has indicated it will look to settle the matter outside court, a position Gaven said was encouraging, given the age of those affected.

“That has always been one of our key concerns,” he said.

“These group members are passing away at an alarming rate – anecdotally I heard that in Queensland, it was one group member a week. Absolutely the sooner, the better.”

Queensland's government last year settled a class action relating to similar unpaid entitlements for \$190m after a three-year battle.

More than 30,000 claimants ultimately came forward, well above the 12,000 initially expected.

Gaven declined to estimate the potential compensation bill for WA's government, saying the matter was incredibly complicated.

"If the Queensland case is any kind of indication, it's going to involve poring over decades-old archive material. It's incomplete as well, so that is going to be a huge challenge," he said.

"Even identifying and locating group members can be incredibly challenging."

Class action group member Ron Harrington-Smith was four when he was forcibly taken from his mother to work at the Mount Margaret mission in the north-eastern Goldfields region.

His duties included chopping and carting wood to missionaries in their houses, marshalling livestock and cleaning soiled toilet pans.

"All of this was barefoot and in squalid conditions," Harrington-Smith said.

"It's hard to imagine that we endured all this suffering. It is unfair and appalling, and they have to be found guilty of the facts and pay us back the stolen wages which are owed."

Shine's head of class actions, Jan Saddler, said the working conditions were "akin to slavery".

Anyone subject to the policy will be included in the "opt-out" class action, including descendants of deceased workers and their estates.

The state's Aboriginal affairs minister, Ben Wyatt, whose paternal grandmother was among the many Indigenous people subjected to the discriminatory policy, said the government was considering the grounds of the compensation claims.

"This includes the allocation of the necessary resources and the sourcing of the required materials to allow the state to respond to the issues raised," a spokeswoman said

"The government will look to achieve a mediated outcome of any claims made in respect to the stolen wages issues, with an acknowledgement of the impact that historical government policies related to income control have had on Aboriginal people and their families over many years."