

19 October 2020

MEDIA RELEASE

INDIGENOUS WORKERS SEEK JUSTICE OVER THEFT OF WAGES

Indigenous workers who laboured in conditions “akin to slavery” have filed a class action against the Western Australian Government to recover their stolen wages.

In the 19th and 20th centuries, thousands of first Australians were forced to toil as stockmen, farmhands and domestic workers under the same laws that created the Stolen Generations.

Shine Lawyers, which represents surviving workers and relatives of those who have since died, alleges wages were held by the state government in trust accounts but were never released in full or at all.

The firm argues this constitutes a breach of the Western Australian Government’s fiduciary duties and trusts, while the failure to provide a legal remedy for victims is in contravention of the Racial Discrimination Act.

Head of Class Actions, Jan Saddler, said wages were stolen as part of a labour scheme operating under the Native Administration Act 1936 and Native Welfare Act 1963 in WA.

“Under these discriminatory laws, Indigenous Australians were not only separated from their families but forced to work for little or no money, locking them into a vicious cycle of poverty and disadvantage.

“They performed physically demanding jobs in harsh conditions akin to slavery and in some cases were only paid with bread and beef.

“While no amount of money can undo the harm done, these workers and their families deserve to be compensated for the inhumane way in which they were treated.”

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

“I can vividly remember, I couldn’t stop myself from crying,” Mr Harrington-Smith said.

As a child, Mr Harrington-Smith's duties included chopping and carting wood to missionaries in their houses, marshalling livestock and cleaning soiled toilet pans by emptying them down a mineshaft.

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

"I worked on stations, marshalling sheep or cattle, and they might have given us some tucker, like spuds and onions, but we never got paid.

"It was a hard life in drought-stricken country and then when I chased the station owners around for my pay, they would say they couldn't pay me and they blamed the Government.

"I believe in this class action because the Government is at fault for taking children in an inhumane way. They snatched us as children and they had no mercy for us.

"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."

Anyone subject to the relevant legislation who had their wages stolen is eligible to join the class action, including descendants of deceased workers and their estates.

Ms Saddler said the legal action against the Western Australian Government comes as the Federal Government attempts to curb class actions and litigation funders.

"Class actions offer hope to people who would otherwise struggle to fund legal action against governments and corporations with deep pockets and this case is no different."

The class action is being funded through Litigation Lending Services Limited ("LLS"). Shaun Bonétt, Chairman of LLS said; "Our focus remains continuing to support First Nations people in their quest for justice from having their wages stolen and being subject to unimaginably difficult conditions for the betterment of the State of WA." LLS funded a similar matter for First Nations people in Queensland where the government eventually took a conciliatory approach to the action which ultimately settled.

MEDIA ENQUIRIES:

For interviews with the following, contact David Lewis | 0433 396 272 | dlewis@shine.com.au

- Jan Saddler, Head of Class Actions, Shine Lawyers
- Tristan Gaven, Senior Associate, Shine Lawyers
- Warren Mundine AO, Non-Executive Director, Litigation Lending Services Limited

For interviews with group members, contact Alina Derevyanko | 0466 358 812 | aderevyanko@shine.com.au

Shine Lawyers has grown to become one of Australia's largest compensation law firms with over 700 staff in almost 40 offices across Australia and New Zealand. For more than 40 years, we have helped thousands of Australians to right wrong by following our core values: always stand up for the little guy, be ahead of the pack, and dare to be different. For more information visit www.shine.com.au or phone 13 11 99.