

THE PRICE OF RECONCILIATION

We stole their land. We stole their children. Now we admit to stealing their money too. Is there anything left to take? Only the souls of a proud and defiant people have been spared – and I think they would too have been taken if our governments knew how.

There can be no doubt that the continuing sufferings of Indigenous Australians are our greatest and most long-standing shame. The deprivations endured by those who were forced to toil, without appropriate payment, for the benefit of our nation, is one of the very worst aspects of that shame.

It was with disbelief that I read of the paltry figure offered to our Indigenous brothers and sisters who, for almost a century, were surreptitiously dispossessed of their earnings and savings by successive governments of Queensland. The \$55.4 million now being offered as compensation, whilst sounding plentiful, is estimated to represent a mere 10% of the actual value of the monies owed, and is intended to take three years to pay out. We are thus forced to bear witness yet again to an insidious injustice inflicted upon those who have been punished and continue to be punished by a catalogue of horrible government policies and practices.

Indigenous people born on or before 31 December 1951 will get \$4,000 whilst those born even one day later will get \$2,000. The Government's justification for this most arbitrary division is that those too young to claim the \$4,000 are *more likely* to have had their wages controlled under less stringent legislation which did not take the 30% contribution for the Aborigines Welfare Fund – although the 60% contribution to government-controlled trust funds was maintained!

Offering so little by way of compensation is a churlish carrot to dangle in front of so many who continue to suffer terribly at the hands of political ineptitude and racial discrimination. How can the value of a working lifetime be deemed to be worth only a few thousand dollars? It would have been inadequate even by standards maintained many decades ago.

The offer is further diminished by denying the inclusion of the \$8.6 million held in the Aborigines Welfare Fund. This money, the Government has decided, will be used to fund 'support projects' including an Aboriginal bank, history kits for schools and tombstones. This money belongs to individual Indigenous people, for each of them to do with as they each wish, and should not to be entrusted to the Government as part of controlled projects for communities chosen by government bureaucrats once again. Accountability for and consultation on its proper expenditure does not require dictation of it.

Those who lost money are set to lose even more as the package will potentially indemnify all Indigenous Queenslanders born before December 1956 who were controlled by any of the Protection Acts. Although many Indigenous Queenslanders were controlled in some way by the Acts, many did not have their

wages controlled. Although those people deserve some form of compensation for being victimised by dictatorial legislation, it is not right that those others who lost out financially will lose even more as the money is divvied up between a multitude of additional claimants.

The Government is willing to *write* an apology for forcing people to leave their homes to work 14 hours a day, with very little to live on, no education and extremely poor health care. Although the pen is said to be mightier than the sword, it is not as powerful and enduring as the publicly spoken word. Also, will the apology include acknowledgement of the repeatedly denied requests for the trebling of rations in the fortified camps and for fruit juice for the children? Will it accept the 1960s medical survey which found malnutrition to be a key factor in most of the deaths of young Aboriginal children living in the camps? Will it confess that \$1.5 million of private savings was then under government control, 85% of it tied up in government investments?

In other words, will the Government apologise for allowing Indigenous children to starve while their predecessor governments hoarded the savings of their parents' savings that could have been spent on food and other lifesaving essentials? Of one thing we can be sure – like the long overdue apology to the Stolen Children, the reparations and written apology for these misdeeds will not constitute an admission of liability by the state which is what forms the true crux of this matter.

Our leaders and some of our society today are feverishly parading a flag of reconciliation in recognition of the wrongs perpetuated by our predecessors. Yet we offer the crumbs from the table to, as we say to our kids, “make it all better”. Is that supposed to be a true reconciliatory message? If so, then I fear greatly for our understanding of the respect and dignity required to achieve reconciliation amongst our people.

This Queensland Government is the only government of the State, indeed the only Government in the whole country, to acknowledge official culpability for this criminal iniquity. It is to be warmly complimented and applauded for doing so. Whilst similar unjust practices of wages and savings controls existed throughout Australia, Queensland is the first state to make a formal offer of reparations.¹ Yet this wonderful act of recognition is inexplicably undermined by what is being offered in recompense. Counteracting abuse can never be achieved with tokenistic gestures seemingly destined, even if not designed, to add insult to injury. Some think, understandably, that it is worse than not engaging the matter at all.

The Indigenous people of Australia have, since the first boats arrived from England, been subjected to white supremacy, discrimination and exploitation. The 1897 legislation and the swarm of protective legislation which followed until 1984 permitted the forced removal of Indigenous Queenslanders from their homes into fortified camps, supposedly a well meaning process designed to

¹ Historic Reparation Offer to Indigenous Queenslanders to Proceed, Joint Statement Premier of Queensland and Minister for Trade, 20 November 2002

“protect their interests”. It does not strike me as ‘well meaning’, in any misguided sense of the word, to force the migration of people, to then require them to work 14 hours a day or more, 7 days a week, and to pay them 30% (including taxation) of their due earnings for doing so. If this were not sufficiently despicable, the rest of their wages were siphoned off into ‘trust accounts’ subsequently mismanaged and vastly diluted by government.

Every government must have a system of taxing its citizens. There is, however, a limit to legitimate tax. When exceeded, it becomes illicit theft. Yet for decades, considerable portions, as much as 70%, were taken from the wage packets of our nation’s most abject poor and expended for development and capital works on settlements, grants to missions, loans, compulsory relocations and amenities in the fortified camps. For white people, all of this activity has always squarely rested within the ambit of government’s financial responsibility. Fissures in government budgets should never be filled by unjust taxation, particularly when the benefactors are not even given the courtesy of being informed that they are providing the crutch which supports their government.

The 1991 independent inquiry launched to investigate Queensland Government records on this subject revealed a host of incomplete and non-existent records spanning decades. The Government even admits that no proper accounts were kept, that there are no registers of assets, and that the files and records are in a state of utter confusion. The inquiry concluded that this chaos – entirely the fault of successive governments for decades – rendered it impossible to establish with a degree of certainty whether any illegal practices had occurred.

What utter semantics when dealing with human lives! The fact that no legible audit trail was kept at least constitutes negligence, if not fraud. The money was entrusted to government which was obliged to hold it for the benefit of its rightful owners and to keep full and frank accounting records of any transactions. If these mandatory records are not available, the duties of the trustees have clearly been breached.

Moreover, the records that do exist are now shrouded in parliamentary privilege for the next thirty years. To hide crucial documentary evidence which would help to expose the truth of the matter until after we have buried the last remaining claimants, makes a mockery of proper legal processes, to say nothing of the flagrant denial of every decent, moral, legal and ethical standard we have developed for this country. A properly functioning democracy does not throw accountability and transparency to the wind or deny its citizens access to the truth? It is deeply troubling to consider the implications this sinister cover-up is having upon our ability to trust those whom we elect to lead our nation with honesty and impartiality.

In addition, the tactics employed by the Government to achieve acceptance of its ‘generous offer’ – accept the offer or suffer a protracted court battle – are even more menacing and unnecessary. Ultimatums are bullying tactics. Blackmailing people to accept or face a situation where they would lose or die before seeing

any of the money owed to them is an insidious insult beleaguered with unusually malevolent temerity. If there is anything Aborigines should not be facing is threats and standover tactics. Furthermore, in doing so, the Government has unequivocally dispensed with its obligation to follow internal protocols for consultation and negotiation with Indigenous people.

Although the ultimatum has now been tempered somewhat in the light of public criticism, the Government's most recent edition of the offer remains replete with ambiguity and a mean-spiritedness which belies its generous actions in going into the exercise in the first place. The Government has pledged to provide independent legal advice to all potential claimants. But what can lawyers do when the Government is withholding the financial records which would ground the claims? How can these very poor and deprived people make sensible independent decisions on the offers made to them when their lawyers cannot access the available evidence which alone would form the basis of their decisions? No one would think of asking a white person to do so in the same circumstances. And no white person would think of doing so. If things remain as they are, and these black claimants agree to the offers, it would not come as a surprise if the contracts were subsequently set aside as unconscionable, the result of undue influence or duress.

When we actually make a commitment to reverse or address past mistakes with our Indigenous people, why can we not do so generously and with a kindly spirit? If the money now on offer were multiplied 10 times, it would hardly make a blip on our horizon of comfort and prosperity. We are at present spending around \$2 billion a year to deal with a few hundred pitiful asylum seekers escaping persecution and terror. We are about to spend even more on a war with Iraq which has not even been slightly explained or justified to us. Heaven knows what we are spending on the so-called "war against terror" which has thus far been a conspicuous failure. We do not even know against whom and to achieve what it is being fought but must simply trust in our leaders when we do not trust them to do much simpler things every day. There is surely enough money to do the right thing by our Aboriginal people – at long, long last!

The most fundamental task for honourable people is to uphold the sanctity of the human condition. We Australians are normally a generous, kind and principled people, but we are straying from our path in this instance and some others. It is time to correct our own and our predecessors' past mistakes in an open-hearted and magnanimous way. By snubbing consultation and negotiation on these claims, we are preventing the resolution of yet another Aboriginal issue. This is likely to result in enduring court skirmishes – the precise occurrence the current offer is said to be intended to avert.

This matter is of national significance – just like the Stolen Children tragedy of which it is a part. Despite the fact that similar processes were systemic across

the country², claims along the lines of the Queensland experience do not appear to have been received anywhere else in Australia – which is hardly surprising seeing that little or no investigation into these systems has ever taken place. In order to ensure that the message and substance of reconciliation is open, honest and fair for those who have lost, and continue to lose, so much through sustained racial discrimination, this debacle needs the intervention of an independent federal or Human Rights Commission inquiry to get to the roots of matter. Our commitment cannot be hollow but must be filled with the intention and the means to put things right – or as right as is now possible.

Whether people want to face it or not, the truth is that Australia's Indigenous peoples still face gross inequality deeply rooted in history and the prejudiced, intolerant or stubborn attitudes of the white community. Whichever social indicator is looked at, whether it is health, education, justice, employment or housing, Indigenous Australians are the most disadvantaged group in the country. This situation represents a manifest and fundamental breach of Australian and international law. What it says about the morality of our nation I leave my fellow Australians to contemplate.

These things should not be happening. The things in the past should not have happened. Together they are human wrongs, not for blame in the crude sense, but for the deepest regret and for a commitment to put them right as a matter of the utmost urgency. If they represent what some have called a black armband view of history, I for one wear it as a mark of sorrow, and as a commitment to reconciliation. Rather a black armband than a white blindfold to shut out the truth.

Let us not devastate another opportunity to demonstrate our pledge to make amends.

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² See footnote 1