

Talkin' Justice goes west

In March 2006, Charmaine Smith from the Public Interest Advocacy Centre and Blanch Lake from the Arts Law Centre of Australia travelled to Dubbo, Bourke and Walgett to hold a series of lunch-time information sessions for community members.

The aim of the trip was to meet with local Aboriginal people and provide information on the work of Talkin' Justice and Artists in the Black, and in particular to provide information about stolen wages.

Dubbo

Our first meeting took place on Wiradjuri country at the Yarradamarra Centre in Dubbo. During the information session, many people expressed interest in making a stolen wages claim on behalf of themselves or a deceased relative. While in Dubbo we also met with staff at the Gordon Centre, Western Aboriginal Legal Service and Allira Elders Group.

Bourke

There were unexpectedly cool conditions in Bourke and heavy rainfall following on from Queensland's Cyclone Larry ... even some locals were wearing cardigans! After doing a radio interview with Dan at 2CuzFM we held a meeting at the Community Hall at Bourke TAFE. Again, Charmaine answered questions about stolen wages. It was becoming clear that many people are still unaware about the operation of the Aboriginal Trust Fund Repayment Scheme.

We also had the opportunity to speak with some concerned residents about the high numbers of Aboriginal people being barred from local pubs and clubs.

Walgett

Our final meeting was in Walgett at the Euragai Goondi Meeting Hall. At this meeting we were pleased to meet with members of the Dharriwaa Elders Group including co-ordinator Wendy Spencer and many elders including Uncle George Rose ('the bandit'), Uncle Lewis Beale and Aunty Gladys Kennedy.

On the final day of our trip we drove out to Lightning Ridge and Collarenebri where we met with people at local community organisations and checked out the deadly artwork being created by local CDEP workers.

Even though our trip out west was brief, we had the opportunity to meet a lot of people and learn about some of the issues affecting these communities.



Charmaine and Blanch at Euragai Goondi in Walgett. Photograph by John Walford.

Talkin' Justice is the Indigenous Justice Project of the Public Interest Advocacy Centre (PIAC). PIAC is a legal and policy centre. The Indigenous Justice Project was established by PIAC in 2001 to promote and protect the rights of Aboriginal and Torres Strait Islander people. PIAC thanks law firm Allens Arthur Robinson for its continuing funding support for this Project and for the printing of this publication. The Talkin' Justice logo was designed for the Project by Adam Hill. The author of this newsletter is Charmaine Smith.

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Stolen Wages Update

What has happened so far

Between 1900 and 1969, the NSW Government took money earned by or owed to Aboriginal people and placed this money into trust fund accounts operated by the Aborigines Protection Board and the Aborigines Welfare Board. This money included wages, pensions, inheritances, child endowment payments and lump sums of compensation. Some of the money was never repaid and that debt is estimated to be in the millions of dollars.

PIAC's involvement on the issue of stolen wages started in 2003 when we were contacted by a woman who believed she was owed child endowment payments by the NSW Government. We made a freedom of information application for documents held by the Department of Community Services. The documents we obtained revealed that the Government had held money in trust not only for our client, but also for thousands of other Aboriginal people, and never paid it back.

After this discovery, PIAC got together with other organisations such as ANTaR and the Indigenous Law Centre to lobby the Government to repay the money. In March 2004, former Premier Bob Carr made a public apology and announced that an Aboriginal Trust Fund Repayment Scheme would be established. In May 2005, a Panel made up of Aden Ridgeway (Chair), Robynne Quiggan and Sam Jeffries was appointed. Unfortunately, even then there were further delays associated with the repayment scheme while they designed and printed the claim forms, which did not become available to direct claimants until September 2005. Descendant claim forms have not yet been printed.

The cost of the delays

During our trip west it became clear that many Aboriginal people are still unaware of the operation of the Aboriginal Trust Fund Repayment Scheme.

Those that are aware expressed great frustration about the delays in processing claims and the lack of information available to the community about stolen wages. In particular, Walgett residents were mourning the recent loss of a member of the Dharriwaa elders group who had passed away after having lodged her claim and before receiving a decision from the Scheme.

The delays are of particular concern given the age of many direct claimants and the recent announcement that the Scheme will only receive claims up until December 2008.

Counselling

Lola Edwards has been appointed to provide counselling and practical assistance to stolen wages claimants through Link-Up. (Lola is also an ex-Cootamundra State ward.)

Lola and other Link-Up staff can be contacted on telephone 1800 624 332.

**Do you think you
have a claim?**

**Phone the Aboriginal Trust Fund
Repayment Scheme to register:**

1 800 765 889

**If you are a direct claimant (see next
page) and need legal advice, phone
Charmaine on 02 8898 6500.**



Stolen Wages Update

DIRECT CLAIMANT

You are a direct claimant if you had your own money put into a trust fund account before 1969. This may have been done if you were entitled to Child Endowment Payments, wages or other payments.

In order to make a claim you need to register with the Aboriginal Trust Fund Repayment Scheme and ask to be sent a claim form.

You can register by calling the Scheme direct on 1800 765 889 or by ringing Charmaine at PIAC on (02) 8898 6500 and she will do this for you.

Claim Form

To complete the claim form you will need to provide information about yourself, your family, where you grew up and worked.

You will also need to attach two forms of identification, which might include your medicare card, pension card, drivers licence, birth certificate, etc.

You need to send your completed claim form to the Scheme. The Scheme will then give your information to Department of Aboriginal Affairs (DAA) and State Records so that they can do searches of all the available historical records for documents that support your claim by showing the existence of a trust fund.

Decision

The results of the search are provided to the Scheme, which then makes a written decision about your entitlements.

If you disagree with the decision

If you disagree with the Scheme's decision, you can ask the Aboriginal Trust Fund Repayment Scheme Panel to reconsider your claim.

At this stage the Panel can accept further evidence before making a decision. It is recommended that you have a lawyer for this stage in the process.

DESCENDANT CLAIMANT

You are a descendant claimant if you believe you have a right to to make a claim on behalf of a deceased relative who you believe had money put into a trust fund account between 1900 and 1969.

In order to make a claim you need to register your name and your relative's name with the Aboriginal Trust Fund Repayment Scheme.

You can register by calling the Scheme direct on 1800 765 889 or by ringing Charmaine at PIAC on (02) 8898 6500 and she will do this for you.

What happens next?

The Scheme has advised that it will not start accepting descendant claims until it has completed all the direct claims. The Scheme has advised that claimants will be given priority from the date they register with the Scheme.

So it is important to register as soon as possible!

How will the money be distributed?

The Scheme has indicated that it will distribute the money as follows.

If the person made a will:

The money owing will be paid according to what the person wrote in their will.

If the person didn't write a will:

- 1) The money will be given to the person's husband or wife (spouse) if they are still alive.
- 2) If there is no spouse then the money will be distributed in equal shares to the children of the deceased person. If one of the children of the deceased person has died, then their share will be distributed to their children; and
- 3) If the spouse and children have died then the money will be distributed to the grandchildren.



Mother wins death in custody case

PIAC recently acted for an Aboriginal woman whose son committed suicide while in Cessnock Correctional Centre. The young man had a history of mental illness and was placed into the Acute Crisis Management Unit of the Centre. When the young man was released from the Acute Crisis Management Unit, he was placed into a cell on his own. The cell contained a bed supported by four moveable milk crates and had many hanging points. There was little monitoring of the young man as the staff in the general wing had not been informed of his condition. Within hours, the young man had taken his life.

The matter went to trial in the District Court and was successful. Judge Quirk found that the Department of Corrective Services was negligent and the young man's mother suffered Post Traumatic Stress Disorder as a result of her son's death.

The decision is called *Veronica Appleton v State of NSW* and highlights the need for a greater commitment from the Department of Corrective Services to implement the recommendations of the Royal Commission into Aboriginal Deaths in Custody.

Police Complaints

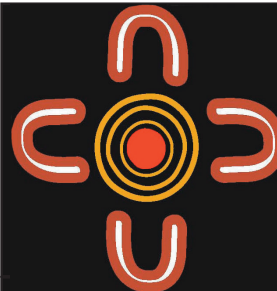
PIAC recently made a submission to a NSW Parliamentary Committee that is examining the effectiveness of the process for making complaints against the NSW Police Service.

As PIAC represents a large number of people who have complaints against police for unlawful conduct, we have firsthand knowledge of the way the complaint handling system operates and some of the problems associated with it.

We made a number of recommendations for improvements to the system. In particular, we recommended that the system should be set up so that the investigation of the complaint is always done by a person who is fully independent.

A copy of PIAC's submission can be found on our website: www.piac.asn.au.

You can also contact us if you would like advice or assistance with making a complaint against the police.



Talkin' Justice

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If you know someone who you think would like to get sent Talkin' Justice, please get them to give us a call or send an e-mail with their name and postal address.