

1 November 2023

# Compensation for thousands of Stolen Wages workers in Western Australia

- The WA Government has settled a class action for Stolen Wages on behalf of many thousands of Aboriginal Australians who worked in Western Australia and who were paid little or no wages, while they were subject to legislation in effect from 1936 to 1972.
- The matter of Mervyn Street v State of Western Australia has settled, subject to approval of the Federal Court of Australia.
- A trial had been due to commence on 16 October 2023 but the trial was vacated to allow the parties to finalise settlement documentation.
- A settlement approval hearing will likely be held in mid-2024, following a process of registration of group members, and community information sessions throughout Western Australia.

The WA Government has settled a class action for Stolen Wages on behalf of many thousands of Aboriginal Australians who worked in Western Australia and were paid little or no wages, while they were subject to legislation in effect from 1936 to 1972. Mervyn Street launched the legal action in 2020 on behalf of workers and surviving relatives of those who received little or no wages. He was represented by Shine Lawyers.

As part of the historic class action settlement, the State of Western Australia will pay up to \$180.4 million to eligible Aboriginal workers or their surviving spouses and children, which includes a separate amount of up to \$15.4 million for some of the Applicant's legal costs. The State will also issue a public acknowledgment and apology in the Western Australian Parliament to the surviving and deceased Aboriginal workers on 28 November 2023.

The settlement is subject to approval by the Federal Court of Australia, which will occur following a registration process which the Court will be asked to approve. The Court will decide the exact amount to be received by each Aboriginal worker or their family members who register, but Mr Street intends to ask the Court to make sure that a greater amount is paid to people who worked the longest under the legislation in force from 1936 to 1972.

## **Vicky Antzoulatos, Shine Lawyers' Joint Head of Class Actions, said:**

"Today is a victory for the many thousands of First Nations people we represent. Workers and their descendants suffered inter-generational disadvantage because of the legislation in place in the State of Western Australia over many decades which directly affected the lives and livelihoods of Aboriginal people. We were privileged to share in their stories, some of which the Court also heard in moving testimony from witnesses during evidence preservation hearings last year."

“Financial compensation is one way to acknowledge the suffering of First Nations people. It doesn’t correct the past but offers a way forward.”

“We acknowledge the Western Australian Government’s efforts in seeking to correct a historical wrong and improve reconciliation with the State’s Aboriginal population through this class action. Hopefully, greater understanding of the experiences of Aboriginal people in Western Australia during this sad earlier time in history is also a lasting legacy of this class action.”

**Shaun Bonétt, Chairman of Litigation Lending Services Limited (which financially supported the class action), commented:**

“A fair day’s work for a fair day’s pay’ is at the heart of who we are as a decent society, yet thousands of WA’s Indigenous workers have historically been denied this and did not receive their wages. Today’s settlement is a historic day in the fight against this injustice.”

“We thank and commend lead applicant Mervyn Street and Indigenous group members who stood up to fight for those affected. Thank you to Premier Roger Cook, Minister for Aboriginal Affairs Tony Buti and the WA Government for their leadership in resolving this matter, and to our legal counsel and partners Shine.”

“We trust this settlement provides some comfort to group members who did not receive their wages and to the families of workers that are now deceased.”

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