



Speech by

BONNY BARRY

MEMBER FOR ASPLEY

Hansard 11 November 2003

MRS S. JANISZEWSKI

Ms BARRY (Aspley—ALP) (11.57 a.m.): What is three years of the life of a young woman worth in compensation for being transported from her country of birth in Poland at the time of war and being forced to work as a slave labourer for her country's enemy? How much is the forced labour of this young woman worth when the day starts at 4 a.m. and finishes at 11 p.m. every day? How do you value a punishing work regime endured with an untreated ruptured hernia caused by strenuous lifting?

With threats to her life, scarce food, extreme cold and regular beatings that caused her eardrums to rupture, how do you compensate a person for that? It is not possible to value that kind of compensation. But for Sally Janiszewski of Aspley, an 82-year-old Polish born Australian citizen, the German government set a princely sum of \$1,671.62 payable 58 years after World War II ended and when Sally was released from her forced labour contract in Germany. Sally came to Australia to seek freedom and a new life. She married, lived a successful family life and settled in Aspley in her senior years. She has, however, remained a woman haunted by her wartime experiences.

So when Sally received a letter from Migrant Service Publication, Western Australia, in 1995—a firm established in 1983 and claiming to help immigrants with free information about a possible German pension entitlement—she took the firm at face value. Compensation from the German government for her years of forced labour was and is a small but significant victory for her—acknowledgment that she had suffered so much. Unfortunately for Sally, this free offer has become an eight-year battle between herself and Migrant Service Publication, culminating in Sally receiving a WA court summons for failure to pay MSP fees for service in October this year. Total fees invoiced are in excess of \$1,200 to date—fees that exceed Sally's total compensation received of \$835.81 to date; fees that include so-called work for a pension claim that was never successful and for which she was advised by MSP that she was ineligible in 1998.

In 1995 MSP wrote to Sally Janiszewski after finding her name in the phone book, offering free information on a possible pension. It then commenced a voluminous, legalistic letter writing exercise to an elderly woman who has little education and for whom English is a second language. After having her fill out proxies that authorised MSP to act as a middleman for Sally's compensation claim, MSP embarked on an exercise that in my view did little to help Sally receive, as it claims, 'every cent due to her'. Rather, it had at its heart an opportunistic exercise to gain funds for MSP. It even asked for the names of her friends and wrote to them, engaging them also in this circle of costly and confusing correspondence, an act for which Sally cannot forgive herself.

Angry at being continually asked to pay up front to a company that she believed did very little on her behalf and asked for 40% of her paltry compensation payment, Sally refused to cooperate any longer. She commenced proceedings on her own behalf, receiving acknowledgment from the German organisation handling the compensation claim with the German government that she had lodged a claim directly with them.

Believing herself no longer associated with MSP, she had hoped for an end to the avalanche of correspondence. It was not, and Migrant Service Publication are determined to get their money in a campaign of vigorous debt collecting resulting in court action against Sally.

I have read all of Sally's correspondence from MSP since 1995. It is not an easy task. The language is legalistic, persuasive, exaggerated and scaremongering. It seeks to pressure the reader with pleas for money to be sent before compensation is received. It begs for fighting funds and asks

the elderly reader to give the names of others who MSP can supposedly help. The letters are full of blank forms to sign and create a situation where people like Sally sign forms they have little understanding of. It takes from them the autonomy to make their own decisions. It encourages them to ignore information from authorities such as Centrelink.

I am not sure if MSP actually knows that the very people that it seeks to assist understand little of what they sign and even less of their rights. I am sure that MSP is aware that they are asking for a large share of an outrageously small compensation received by people like Sally—compensation for enduring a hardship that is unimaginable to most Australians.

Irregardless of the legality of MSP's actions, their motives are questionable in terms of morality, and I think they took advantage of Sally and her friends in the cruellest of ways. Sally's fear of possibly being jailed as a result of her Migrant Service Publication dealings were enough to bring back the gravest fears she felt during her forced labour internment.

I am beyond angry at how distressed my constituent is and I refuse to accept that Migrant Service Publication can treat Sally this way. Migrant Service Publication may be entitled to a fee but, in my view, they asked for a Rolls Royce price for what surely must have been only a Mini Minor service. I have made a complaint on her behalf to the Minister for Fair Trading and have requested that Legal Aid assist Sally where possible during this battle. I intend to stand by Sally's side during this particular battle.