



**Hon Peter Collier MLC
Minister for Education; Aboriginal Affairs; Electoral Affairs
Leader of the Government in the Legislative Council**

Your Ref: Petition No 40
Our Ref: 34-34478

Hon Simon O'Brien MLC
Chairman
Standing Committee on Environment and Public Affairs
Parliament House
PERTH WA 6000

Dear Mr O'Brien

Thank you for your letter dated 19 August 2014 requesting comments on the terms of Petition No 40 – Stolen Wages Reparation Scheme WA (the petition), tabled in the Legislative Council on 17 June 2014, and the submissions from the principal petitioner and the tabling Member.

The Stolen Wages Taskforce (the Taskforce) undertook extensive consultation, between October 2007 and January 2008, with Aboriginal people, communities, agencies and other parties on the scope and nature of the issues associated with the Government's control over Aboriginal peoples' monies.

Members of the Taskforce included Aboriginal people. In addition, six Aboriginal advisors were appointed through a public application process to provide cultural and ethical guidance and support to ensure the cultural integrity of the work of the Taskforce.

In total, the Taskforce conducted 62 open community forums in 58 towns and communities throughout Western Australia, with approximately 920 attendees in total. More than 500 submissions were received by the Taskforce.

The Taskforce found that, as a result of the complexity of trust accounts in Western Australia, as well as the lack of surviving records and the passage of time, it would not be possible for the State Government to identify and repay the actual amount of monies that were withheld from each person.

Therefore, the \$2,000 ex gratia payment offered was not an attempt to repay wages, but rather an acknowledgement that the practice of stolen wages occurred. It should be noted that application to the Scheme does not affect the legal rights of any applicant that may choose to pursue other courses of action.

The Taskforce Report made 13 recommendations in four areas: the recognition of Aboriginal people in society; reconciling past income controls; resolving past experiences; and administration of policy initiatives.

The State Government did not adopt recommendations that fell outside of the scope of stolen wages as a number of initiatives were already being implemented by the State and Commonwealth Governments to address economic disadvantage in Aboriginal communities and recognise past injustices.

In 2012, the State Government approved the establishment of the Stolen Wages Reparation Scheme (the Scheme), in response to the issue of stolen wages. The response was largely based on advice from the Taskforce which identified that Government controls were principally to monitor and supervise employment conditions and payment of Commonwealth entitlements. After careful consideration, a decision was made to limit ex gratia payments to previous residents of Native Welfare institutions where the State Government had direct control over money and conditions.

The Scheme's criteria outlined that an ex gratia payment would be made available to Aboriginal people who:

- were born before 1958;
- from the age of 14 years or older were resident at a Government Native Welfare Settlement in WA;
- while resident at one or more of the Government Native Welfare Settlements in WA experienced direct WA Government control over their income and all or part of their income was withheld from them; and
- were never repaid any outstanding monies owed by the WA Government.

The ex-gratia payments were intended for Aboriginal people who were of working age, that is 14 years or older. As the practice of stolen wages was no longer authorised following the enactment of the *Aboriginal Affairs Planning Authority Act 1972*, it was deemed that applicants born in, or after, 1958 were not considered to be of working age whilst the practice of stolen wages occurred.

The eligibility criteria for the Scheme were reasonable and clear, and were applied consistently in assessing each application. In the interest of providing a fair and open process, applicants whose applications were deemed as ineligible under the above criteria, were provided with an opportunity to apply for a review of their application by an independent panel, appointed to oversee the review process.

In designing the Scheme, the State Government was careful to ensure that available monies were not diverted into administration costs. The Scheme's application process was intentionally designed to be as simple as possible. Applicants were asked to complete a Statutory Declaration confirming they had their wages withheld by Government and provide supporting information, but were not expected to provide documentary evidence.

The Scheme was initially open for six months, closing on 6 September 2012. Following requests from stakeholder groups and individuals, the State Government approved an extension of the Scheme's closing date to 30 November 2012 to ensure that all those eligible for the Scheme were able to submit an application.

The Scheme was advertised extensively via print media in September 2012 and included advertisements in publications such as *The West Australian*, *Broome Advertiser*, *Bunbury Herald*, *Kalgoorlie Miner*, *Kimberley Echo*, *Koori Mail*, *National Indigenous Times* and *Pilbara News*. In addition, an email campaign regarding the Scheme was distributed to approximately 150 Aboriginal Corporations across Western Australia. A separate media campaign reminding stakeholders of the impending closure of the Scheme was rolled out in early November 2012.

2,026 applications were received for the Scheme which exceeds the estimated cohort of applications based on information from the Redress program. There were a total of 1,276 approved eligible applicants, equating to \$2,552,000 in payments.

The State Government continues to invest heavily in measures to improve outcomes for Aboriginal people to ensure that Aboriginal people benefit from the same opportunities, expectations and standards as non-Aboriginal people.

I trust this information will assist the Standing Committee on Environment and Public Affairs with its preliminary inquiries into the petition.

Kind regards


08 SEP 2014

Hon Peter Collier MLC
MINISTER FOR ABORIGINAL AFFAIRS