

Western Australia Stolen Wages Class Action



This element represents Shine Lawyers and Western Australian communities working together to shape and strengthen the Stolen Wages Class Action case. Through support, listening and learning they can right the wrong, together.

Some important things you should know:

- The Western Australia Stolen Wages Class Action was brought against the Western Australian Government on behalf of all Aboriginal and Torres Strait Islander peoples who weren't paid all their wages or money between 1936 and 1972 (including people who have died).
- The Western Australia Stolen Wages class action has settled, but the Federal Court has to approve the settlement before compensation can be paid to eligible Aboriginal people.
- If you are an Aboriginal or Torres Strait Islander person who worked between 1936 and 1972 in Western Australia for little or no wages you may be eligible to receive a payment from the settlement, but **YOU MUST REGISTER BY 30 JUNE 2024** with Shine Lawyers. You can also register for your parents or your spouse (husband/wife/partner – married or defacto), if they worked in that time for little or no wages.
- To register you must fill in a Registration Form, either on paper or online. Shine Lawyers will be travelling throughout Western Australia in the next 6 months to hold Information Meetings, and help people register.
- The Court hearing to decide whether the settlement should be approved is going to be held on 8 August 2024, in Perth.



1 What is the settlement?

The Western Australian Government has agreed to pay up to \$180.4 million to settle the Western Australia Stolen Wages Class Action.

The Western Australian Government has agreed to pay into a settlement fund \$16,500 for each eligible claimant up to a maximum of \$165 million (if there are 10,000 or more eligible claimants). This does not mean each person who is eligible will get \$16,500 – how the compensation will be shared is explained in Section 4 below. The Western Australian Government has also agreed to pay a separate amount of up to \$15.4 million as a contribution to legal costs.

The settlement is a compromise with the State of Western Australia to avoid the risk that the applicant and group members could lose the case if it went to hearing and get nothing.

The settlement agreement will not take effect unless it is approved by the Federal Court. If it is approved then group members may receive a share of the amount paid by the Western Australian Government, **only if they register** using the registration form and have eligible claims.

2 Who is eligible to receive a payment?

You are automatically part of the class action if:

- a. you are an Aboriginal or Torres Strait Islander person;
 - b. between 11 December 1936 and 9 June 1972 you lived in Western Australia and worked at some time or had your property controlled in that period;
- OR
- c. you are representing a family member who qualifies and has since passed away.

As long as they register, group members who can show that they are an Aboriginal or Torres Strait Islander person born before 9 June 1962 who worked in at least one workplace in Western Australia for little or no wages between 1936 and 1972, are eligible to receive a payment.

Also, as long as they **register**:

- a. group members who can show that their spouse (husband/wife/partner - married or de facto) born before 9 June 1962, who has died, was a person who worked in at least one workplace in Western Australia for little or, no wages between 1936 and 1972 will be eligible to receive the payment their deceased family member would have received;
- b. group members who can show that their father or mother born before 9 June 1962, who has died, was a person who worked in at least one workplace in Western Australia for little or no wages between 1936 and 1972, will be eligible to receive the payment their deceased family member/s would have received (but it will be shared between all brothers and sisters who register, and only if the deceased person did not have a spouse when they died).

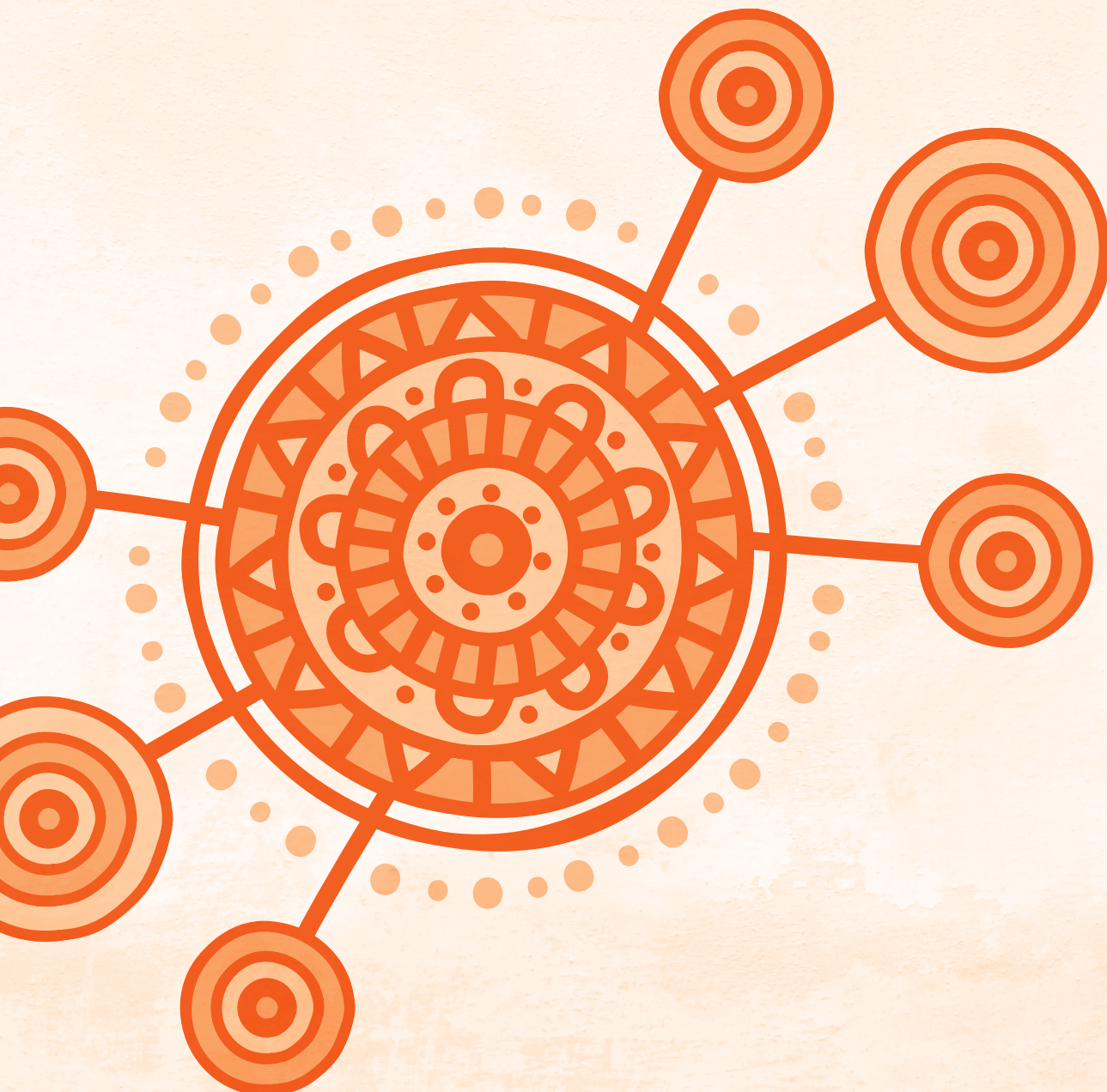
As part of the **Registration Form**, some information and ID documents need to be provided so that claims can be checked by the independent “administrator” (who will be in charge of paying people). However, Shine Lawyers will be available to help you register claims on your own behalf, or on behalf of your parents or spouse (husband/wife/partner – married or defacto).

3 How do you register?

If you think you are eligible to make a claim under the class action, then you should complete the **registration form** that comes with this notice, or is available online.

If you want to register and claim compensation, then you must send the registration form to Shine Lawyers before the **deadline of 30 June 2024**.

Many group members have already told Shine Lawyers that they want to be part of the class action. Even if you have already spoken to Shine Lawyers or filled out a form earlier, you still need to register in the settlement by filling out the registration form. Shine Lawyers can help you do this, using the information you gave them earlier.



4 How much will eligible claimants receive?

The Court will work out how much eligible claimants get paid from the settlement, according to what it thinks is fair and reasonable. The Court might approve more money to go to older people who worked for a long time for no money.

Although it is currently uncertain, it is hoped that at least \$10,000 will end up being paid to each Aboriginal person who worked for little or no wages between 1936 and 1972 (or to their surviving spouse (husband/wife/partner – whether married or defacto) or shared between their children). However, it is hoped that more might get paid to older people who worked for longer for little or no wages.

Before payments are made to eligible claimants, the Court will also be asked to check and approve proposed payments from the settlement fund for the costs and expenses of bringing the class action. These will only be deducted if the Court says they are fair and reasonable:

1. First, a litigation funder called “Litigation Lending Services” or “LLS”, paid for a portion of the legal costs and bore other financial risks of bringing the class action. The Court will be asked to make an order approving a commission payment to the funder of 20% of the amount the State pays under the settlement, as well as the payment of \$1,045,000 for the cost of insurance. The Western Australian Government will oppose this. If the Court is satisfied that such a deduction is fair and reasonable, it will be deducted from the settlement fund.
2. Second, the legal costs which were spent in bringing the case. A lot of that amount will come from the separate amount of up to \$15.4 million that the Western Australian Government has agreed to pay for legal costs, but this will not cover all the legal costs of bringing the case, doing the further registration process and asking the Court to approve the settlement. The total amount is not yet known. The Court will appoint an independent person to assess the Applicant’s reasonable costs and report to the Court. The Court will only allow a deduction of the costs it considers fair and reasonable.
3. Third, extra payments to the lead applicant and some other group members for the time they took in taking an active role in running the case on behalf of everyone. Those payments are proposed to be \$80,000 in total. If the Court is satisfied that such a deduction is fair and reasonable, it will be deducted from the settlement fund.
4. Fourth, the costs of the independent person who administers the settlement fund (which are presently not known as quotes have to be obtained). It is expected this cost will be partly met from interest earned on the settlement. If the Court is satisfied that such a deduction is fair and reasonable, it will be deducted from the settlement fund.
5. Fifth, the costs of the independent person who will assess and report to the Court on the reasonableness of any legal costs and administrator costs that are deducted from the settlement fund.

If you **register, and are eligible**, you will get told exactly how much you will receive for your claim, or your family member’s claim, when it has been worked out following the Court approval hearing, and the checks that the independent administrator has to do.

5 When will people get paid?

The Court will try and make sure that payments are made as quickly as possible.

If the settlement is approved, your claim will be checked by the independent administrators of the settlement. If the administrators need more information to confirm whether you are eligible, they will get in contact with you.

Payments could start getting paid shortly after the Court Approval hearing on 8 August 2024.

6 Legal effect of the settlement

If the settlement is approved by the Court then it will be 'binding' on everyone who fits the definition of a 'group member'. Being 'bound' means that you will not be able to raise the same claims in any other proceedings against the Western Australian Government. Your rights to sue the Western Australian Government will be replaced by the rights given to you under the settlement.

If you do not **register** your own claim (or those of your parents, or spouse (husband/wife/partner – married or de facto) who has died), then if the Court approves the settlement those rights will be lost, and you will receive no money.

7 What if you don't agree with the settlement?

If you are part of the class action and you disagree with the settlement, and want to say that the Court should not approve it (or parts of it), then you have the right to do that. This is called “objecting” to the settlement.

If you want to object to the settlement, you need to ask Shine Lawyers for an objection form, using the details at the bottom of this notice. You then need to return that form to Shine Lawyers or the WA Federal Court Registry before 30 June 2024.

If you want to object, you should fill out the registration form anyway. That way, if the Court overrules your objection, you will still be able to receive compensation if you are eligible.

8 How to get more information

If you do not understand something or you are not sure what to do, you should speak to someone you trust and get their help. You might have your own lawyer, but you can also contact Shine Lawyers for more information.

- email them at wastolenwages@shine.com.au
OR
- telephone them on 1800 976 150

If you need to speak to someone in your own language, you need to find a way to contact Shine by email or telephone and Shine will organise a free interpreter service to help you.





Western Australia Stolen Wages Class Action

REGISTRATION FORM

Tell us your information in this form to ask for compensation money
If you need help, call us for free on 1800 976 150.



This element represents Shine Lawyers and Western Australian communities working together to shape and strengthen the Stolen Wages Class Action case. Through support, listening and learning they can right the wrong, together.

Registration Form

You must complete this Registration Form to 'register' with Shine Lawyers if you think you are eligible to be considered for compensation money.

You can register for compensation money if you or the person you are completing this form for are either:

1 A living claimant: an Aboriginal or Torres Strait Islander person, born before 9 June 1962 who worked in Western Australia between 11 December 1936 to 9 June 1972 for little or no wages.

or

2 A descendant claimant: a spouse (husband/wife/partner – married or defacto), or child of an Aboriginal or Torres Strait Islander person born before 9 June 1962 who worked in Western Australia between 11 December 1936 to 9 June 1972 for little or no wages who is now deceased.

How can you complete this Registration Form?

You can complete this Registration Form by doing one of the following:



Complete this Registration Form **online** at shine.com.au/stolenwageswa



Email the completed Registration Form and any supporting documentation to wastolenwages@shine.com.au



Post the completed Registration Form and any supporting documentation to:

Shine Lawyers
Class Actions – WA Stolen Wages Class Action
PO BOX 12011, George Street QLD 4000

If you don't know the answer to any of the questions in this form you should keep going. We will call you if we need more information. You might also be asked for more information later by the Administrator.

Last Date for Registration

You must register by completing the Registration Form in any of the above ways by **30 June 2024**. If you are posting your completed Registration Form and supporting documents to Shine Lawyers, you will need to post these documents before this date so they are received by Shine Lawyers by **30 June 2024**.

Who is filling out this form?

1. Are you completing this form for yourself or are you helping someone else?

☐ Yourself – skip this section and go to Part 1 ☐ Helping someone else

You are allowed to have help filling out this form. If someone is helping you, that person needs to give us their details below.

2. If you are filling out this form for the claimant, how do you know him or her?

3. Your first and last name:

4. Your phone number:

5. Your email address:

In the rest of the form, when we ask about “you”, we are asking about the person who is being registered.

Part 1: Claimant's Details

1. Your first name:

2. Your last name:

3. Do you have any other names? (eg. maiden name)

4. Your date of birth:

5. Your place of birth:

6. Your home address:

7. Your postal address, if it is different to your home address:

8. Your phone number (if you have one):

9. Your email address (if you have one):

10. Your gender: ☐ Male

☐ Female

11. Are you Aboriginal or Torres Strait Islander? ☐ Yes ☐ No

12. How do you want to be contacted?

☐ Phone

☐ Email

☐ Post

☐ Through a support person

13. If you want to be contacted through a support person, what are his or her details:

Full name:

Relationship to the claimant:

Phone number:

Email:

Postal address:

14. What language do you or your support person want to talk to us in?

Language:

Community:

15. What kind of claim are you registering for compensation money? (TICK ALL THAT APPLY)

☐ **My own Claim:** Living claimant (a person who themselves worked in Western Australia between 11 December 1936 to 9 June 1972 for little or no wages)? >> Complete Part 2.

☐ **Spouse (husband/wife/partner – married or defacto) Claim:** Descendant claimant (a person who is the spouse, or defacto spouse of a person who worked in Western Australia between 11 December 1936 to 9 June 1972 for little or no wages, but has passed away)? >> Complete Part 3. (IF YOU ARE CLAIMING IN RELATION TO MORE THAN ONE SPOUSE OR PARENT FILL IN TWO FORMS).

☐ **Child Claim:** Descendant claimant (a person who is the child, including by traditional adoption, of a person who worked in Western Australia between 11 December 1936 to 9 June 1972 for little or no wages but has passed away)? >> Complete Part 3. (IF YOU ARE CLAIMING IN RELATION TO MORE THAN ONE SPOUSE OR PARENT FILL IN TWO FORMS).

WESTERN AUSTRALIA STOLEN WAGES CLASS ACTION

If you need help, call us for free on 1800 976 150.

Part 2: Living Claimants

Only complete this section if you are registering your own claim: (an Aboriginal or Torres Strait Islander person who worked in Western Australia between 11 December 1936 to 9 June 1972).

16. Did you work in Western Australia between 11 December 1936 and 9 June 1972? ☐ Yes ☐ No

17. Please provide details of AT LEAST ONE PLACE you worked between 11 December 1936 and 9 June 1972 for no money or only a small amount of money. For example, on a station, or at a mission that you can name below.

Place of Employment (station, mission, institution, or other)	Location of Employment (town or area)	When work was done (approximate year/s)	Type of work performed (examples: station work; domestic work)
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18. Were you paid no money or only a small amount of money for all or some of this work? ☐ Yes ☐ No

19. Do you have any documents about your work between 11 December 1936 and 9 June 1972? ☐ Yes ☐ No

If Yes, please attach copies of these documents (do not send the originals). This is not compulsory but any documents that are available may assist with registering and paying the claimant compensation money.

The WA Government may have records about your work history that could assist your claim.

20. Do you consent to Shine Lawyers providing the information in the Registration Form (including your personal details) to the WA Government to request records about the claimant? ☐ Yes ☐ No

This is not compulsory but if the State can provide information it may assist with registering and showing the eligibility of the claimant.

Even if you tick "No", the State may be given some information about you during the administration process, including your name and date of birth.

If you want the WA Government to look for your records, providing all or some of the information below about your family might make that easier. This is not compulsory.

21. Your mother's name:

22. Your father's name:

23. The names of your brothers and sisters (if you have any):



Part 3: Spouse or Child Claimants

Only complete this section if you are a descendant claimant. That means you are either a spouse (husband/wife/partner – married or defacto) or child of an Aboriginal or Torres Strait Islander person who worked in Western Australia between 11 December 1936 to 9 June 1972 for no money or only a small amount of money who has passed away (referred to as the “deceased person”). If you are claiming for more than one deceased person, for example a spouse and one or both parents, fill in additional forms.

- Spouse or defacto spouse means the most recent person to marry and/or be in a relationship for two or more years with the deceased person, before their death.
- A child means a natural child of the deceased person, or any child who was legally adopted or adopted under Aboriginal laws and customs.

24. What was the first and last name of the deceased person?

25. Was the deceased person known by any other name(s)?

26. Was the deceased person Aboriginal or Torres Strait Islander? ☐ Yes ☐ No

27. What was the deceased person’s date of birth to the best of your knowledge?

28. What was the deceased person’s place of birth to the best of your knowledge?

29. Do you have any documents confirming the identity or date of birth of the deceased person? (i.e. birth, death or marriage certificate) ☐ Yes – if so, please attach copies of these documents to the Registration Form (do not attach original documents). ☐ No

30. What was your relationship to the deceased? ☐ Spouse (husband/wife/partner – married or defacto) ☐ Child

31. What was the deceased person’s mother’s name (if known):

32. What was the deceased person’s father’s name (if known):

33. What were the names of the brothers and sisters of the deceased person (if they had any and if known):

34. Did the deceased person work in Western Australia between 11 December 1936 and 9 June 1972? ☐ Yes ☐ No

35. Please provide details of AT LEAST ONE PLACE the deceased person worked between 11 December 1936 and 9 June 1972 for no money or only a small amount of money. For example, on a station, or at a mission that you can name below.

Place of Employment (station, mission, institution, or other)	Location of Employment (town or area)	When work was done (approximate year/s)	Type of work performed (examples: station work; domestic work)
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Part 3: Spouse or Child Claimants (continued)

36. Was the deceased person paid no money or only a small amount of money for all or some of this work? ☐ Yes ☐ No

37. If Yes, how do you know this?

☐ The deceased person told me ☐ Someone who knew the deceased person told me ☐ I have seen records

☐ Other: _____

38. Do you have any records about the deceased person's work between 11 December 1936 and 9 June 1972, or your relationship with the deceased? ☐ Yes ☐ No

If Yes, please attach copies of these documents (do not send the originals). This is not compulsory but any documents that are available may assist with showing eligibility of the deceased person.

The WA Government may have records about the deceased person's work history that could assist your claim.

39. Do you consent to Shine Lawyers providing the information in the Registration Form (including your personal details) to the WA Government to request records about the deceased person? ☐ Yes ☐ No

This is not compulsory but any documents that are available may assist with registering and showing eligibility of the deceased person.

Even if you tick "no", the State may be given some information about you and the deceased person during the administration process, including your and their names and dates of birth.

Part 4: Claimant's ID

40. Do you have current photo ID? For example, a copy of your Drivers Licence, Proof of Age Card (18+ card), or Passport. ☐ Yes – go to Part 5 ☐ No – complete Question 41

If Yes, please attach a copy to the photo ID to this Registration Form (do not send the original).

41. For Living Claimants only, can you provide two forms of other ID? For example, copies of a Birth Certificate, Marriage Certificate, Medicare Card, bank account statement, electricity bill, or Tenancy Agreement. Note: If you are a Spouse or Child Claimant, you must provide current photo ID. ☐ Yes ☐ No

If Yes, please attach copies of the ID to this Registration Form (do not send the originals). If you are a descendant claimant, please also attach copies of any documents you have confirming the identity or date of birth of the deceased person.

Part 5: Payment Details for Claimant

Bank Account Details

Account name Bank

BSB Account Number

Note: compensation payments will be made by electronic funds transfer if you provide bank details. If your bank details change, you need to tell us immediately.

If you do not provide bank details, you will be posted a cheque to the postal address provided on this form.

I am telling the truth about the information I have completed in this Registration Form.

Date:

☐ No

You do not need to complete this part, but you can use this part to tell us any further information.

