

Questions on Notice

Hearing for the "Stolen Wages Inquiry" conducted in Brisbane on Wednesday, 25 October 2006

Question 1: *Senator Payne, p. 72 of Transcript*

RESPONSE

These information sessions were provided by staff of the Department of Aboriginal and Torres Strait Islander Policy (including Indigenous officers) at face to face interactive workshops in communities throughout Queensland (Attachment 1).

Question 2: *Senator Payne, p. 72 of Transcript*

RESPONSE

The following communities were represented at the forum: Barcaldine, Biloela, Brisbane, Charters Towers, Gladstone, Glasshouse Mountains, Gracemere, Gympie, Hopevale, Injino Community Cape York, Ipswich, Kallangur, Lockhart River Community, Lowood, Mackay, Mapoon, Napranum, Mareeba, Maryborough, Morayfield, Mornington Island, Mount Morgan, Mundubbera, Oakey, Pinalba, Rockhampton, Sarina, Thursday Island, Townsville, Weipa, Winton, Woorabinda, Wujal Wujal Community, Yallambee Mt Isa, Yarrabah. The registration list states that 238 people attended.

Full details in relation to the Rockhampton forum are provided in the attached booklet *Talkin' up the past, present and future – Elders' Forum* (Attachment 2).

Question 3: *Senator Payne, p. 72 of Transcript*

RESPONSE

The Indigenous Negotiation Team and the Government Negotiation Team endorsed QAILSS, as the peak body, to undertake the community consultations on the Reparations Offer. The Government Negotiation team was comprised of Ministers and Senior Officials charged with negotiating this matter and the Indigenous Negotiation team was comprised of representatives of the Aboriginal and Torres Strait Islander Advisory Board (the Government Indigenous advisory body at that time) and QAILSS.

Attached is the: *Report by QAILSS on Consultations with Aboriginal and Torres Strait Islanders of Queensland regarding Queensland Government Offer of Reparations* (Attachment 3).

Question 4: *Senator Payne, p. 73 of Transcript*

RESPONSE

This amount was costed by Government and based on the requirements and scope of the consultation process, including the engagement of suitably qualified personnel and the extensive amount of travel involved.

Question 5: *Senator Crossin, p. 73 of Transcript*

RESPONSE

The Queensland Government was not involved in the ATSI-funded research undertaken by QAILSS in 1996.

Question 6: *Senator Crossin, p. 73 of Transcript*

RESPONSE

QAILSS was dissolved in 2004. As the research was commissioned by the former Aboriginal and Torres Strait Islander Commission, the Committee Secretariat may wish to obtain a copy of the research from the Commonwealth Department of Families and Community Services and Indigenous Affairs.

Question 7: *Senator Crossin, p. 74 of Transcript*

RESPONSE

The amount of \$55.6 million was determined by Government. This monetary amount is one part of a broader reparation package which also includes a written apology from the Government, a statement in Parliament to publicly recognise past injustices on the basis of race, and a protocol for commencing official Government business with an acknowledgement of the traditional owners of the land.

Question 8: *Senator Brandis, p. 75 of Transcript*

RESPONSE

The poor standard of records was recognised back in the early 1990's as was revealed in 1991 Consultancy Bureau Report. Consequently, claimants under the Indigenous Wages and Savings Reparations Process were not required to provide evidence of wages or savings control in support of their claims. The Department looked only for evidence of control (for example, one relevant record) of a claimant's wages or savings in Government records.

Question 9: *Senator Brandis, p. 76 of Transcript*

RESPONSE

Under the Indigenous Wages and Savings Reparations Process, eligible claimants receive either \$4000 or \$2000. At 6 November 2006, 4133 claimants had each been paid \$4000 and 1313 claimants had each been paid \$2000. In total 5446 claimants had been paid \$19.158 million.

Question 10: *Senator Brandis, pp 76-77 of Transcript*

RESPONSE

The Queensland Government claims legal professional privilege in relation to the production of the legal advices sought.

Question 11: *Senator Brandis, p. 77 of Transcript*

RESPONSE

Please refer to the response to Question 10.

Question 12: *Senator Brandis, p. 77 of Transcript*

RESPONSE

Please refer to the response to Question 10.

Question 13: *Senator Brandis, p. 77 of Transcript*

RESPONSE

Please refer to the response to Question 10.

Question 14: *Senator Brandis, p. 77 of Transcript*

RESPONSE

To ensure that claimants assessed as eligible for payment under the Indigenous Wages and Savings Reparations Process received independent legal advice, the Department went out to public tender to engage appropriate legal advisors across Queensland. The Invitation to Offer was advertised broadly in the Queensland press, Indigenous media and The Australian in early 2003. The Invitation to Offer was also publicly available on a Queensland Government website.

In accordance with the offer document, the Department expected the legal advice to be provided by a legal practitioner on an individual basis to an eligible claimant, whether by personal interview and/or telephone and/or letter of advice. This legal advice is to ensure that each eligible claimant:

- a) understands her or his current rights.
- b) understands the contents and effect of the claim form, and in particular, the Offer and Deed of Agreement.
- c) is fully informed as to a) and b), having regard to all the relevant circumstances (including cultural and language requirements) of the Claimant.
- d) where the Claimant decides to enter into the Deed of Agreement he or she completes and executes the Deed of Agreement correctly.

The document, *Standing Offer Arrangement for a panel of legal practitioners in relation to the Indigenous wages and savings reparation process*, is provided in response to this question (Attachment 4).

Question 15: *Senator Brandis, p. 78 of Transcript*

RESPONSE

15 August 2006

Question 16: *Senator Bartlett, p. 79 of Transcript*

RESPONSE

QAILSS sent information documents to Aboriginal Legal Services throughout Australia. More detailed information is provided in the attached *Report by QAILSS on consultations with Aboriginal and Torres Strait Islanders of Queensland regarding Queensland Government Offer of Reparations* (Attachment 2).

Question 17: *Senator Bartlett, p. 79 of Transcript*

RESPONSE

The Committee Secretariat is referred to: <http://www.parliament.qld.gov.au/hansard/> where these documents are publicly available.

Question 18: *Senator Moore, p. 81 of Transcript*

RESPONSE

A number of mechanisms were, and are, used by community members to engage with government in relation to concerns about the Reparations Offer and process. These mechanisms include letters, meetings (including lobby group meetings with the Minister/s and departmental officers), petitions to Parliament, comments to the media, and verbal feedback and discussions with regional officers.

At the completion of the consultation process, the QAILSS report (Attachment 2) also included the concerns raised during the consultation process.

Both the existing Minister and his predecessor have met with the Stolen Wages Working Group.

The Parliamentary Secretaries to the Minister for Communities, Disability Services, Seniors and Youth are Mr Ronan Lee and Mr Stirling Hinchliffe.

Question 19: *Senator Moore, pp 81-2 of Transcript*

RESPONSE

The matter of the Aborigines Welfare Fund was raised at a Community Cabinet meeting in Cairns on 23-24 June 2002 and the reparations process at a Community Cabinet Meeting in the Torres Strait on 4-5 December 2005.

Question 20: *Senator Moore, p. 82 of Transcript*

RESPONSE

In response to Ms Williams' concerns about the future of unspent reparations, the Honourable Warren Pitt MP, Minister for Communities, Disability Services, Seniors and Youth has agreed to arrange a meeting with Ms Williams in the near future. The specific date and time of this meeting will be established at the earliest convenience.

Question 21: *Senator Siewert, p. 82 of Transcript*

RESPONSE

- Letters were sent to each eligible claimant. The letter included the Deed of Agreement, payment instructions, Practitioners Checklist and Practitioners Certificate. No eligible claimant could sign a Deed of Agreement without first receiving independent (non-government) legal advice about the implications of signing the indemnity.
- The provision of legal advice to discrete Aboriginal and Torres Strait Islander communities and to groups (in significant numbers) of claimants was provided according schedules developed by the Regional Offices in consultation with the legal practitioner.
- Two of the Indigenous Wages and Savings Reparations (IWSR) factsheets also advised claimants about the provision of legal advice to be provided to the eligible claimants.
- The number of eligible living claimants under the reparations process is 5216, all of whom have, or will have, received legal advice about the consequences of signing a deed in acceptance of their offer.

Question 22: *Senators Siewert and Payne, p. 83 of Transcript*

RESPONSE

- The advice was provided to eligible claimants. This advice was by way of personal interview and/or telephone and/or letter of advice. However, the department's preference was for legal advisors to meet directly with each eligible claimant.
- The advice to each eligible claimant related to ensuring the claimants understood their rights; that they understood the contents and effect of the claim form (in particular, the offer and deed of agreement); the claimants were also fully informed having regard to all the relevant circumstances (including cultural and language requirements) of the claimant; and that the deed was executed correctly.
- See also Attachment 3: *Standing Offer Arrangement for a panel of legal practitioners in relation to the Indigenous wages and savings reparation process.*

Question 23: *Senator Siewert, p. 83 of Transcript*

RESPONSE

Yes – the whole package was presented. The entire Queensland Government offer was distributed to community members in colour coded documents.

Further details are at Attachment 2 - *Report by QAILSS on Consultations with Aboriginal and Torres Strait Islanders of Queensland regarding Queensland Government Offer of Reparations.*

Question 24: *Senator Siewert, p. 83 of Transcript*

RESPONSE

Queensland Treasury does not have records of the accounts of individuals.