

Tuesday, 9 September 2014

1512. Hon Robin Chapple to the Minister for Aboriginal Affairs.

Regarding the Minister's answer to question without notice No. 136 of 2014 in reference to Mr David Ryder's application to the Stolen Wages Reparation Scheme Western Australia for which he received an *ex gratia* payment of \$2,000, I refer to two documents; a letter to Mr Ryder, dated 9 November 2012, from the Director General (DG) of the Department of Indigenous Affairs (DIA), Mr Cliff Weeks confirming Mr Ryder's eligibility to receive an *ex gratia* payment of \$2,000, and a DIA *pro forma* letter found in Appendix 8 of a memorandum, dated 6 June 2012, and sent to the DG, Cliff Weeks from the Assistant Director Policy, Rory Whitelaw, and I ask:

- (a) in what way(s), apart from his name, address, DIA allocated reference number and bank details, was the letter to Mr Ryder "tailored" for him;
- (b) in what way(s), apart from his name, address, DIA allocated reference number and bank details was this letter to Mr Ryder different from the letters sent to other successful applicants;
- (c) in light of the above, will the Minister:
  - (i) advise what he meant by his statement in his reply to question without notice No. 136 that "While all letters sent under the scheme contained some standard information each letter also included details tailored to individual applicants"; and
  - (ii) correct his reply and make amends;
- (d) was it the Government's intention to offer an apology or a statement of regret to those found eligible under the scheme;
- (e) if yes to (d):
  - (i) why was this not included in the letter to Mr Ryder; and
  - (ii) was this omission particular to Mr Ryder or did this omission apply to the letters sent to all successful applicants;
- (f) if yes to (d), how did the Government implement its intention to offer and apology or a statement of regret and:
  - (i) how was this communicated by the Government to Mr Ryder; and
  - (ii) how was this communicated by the Government to other successful applicants;
- (g) as the letter to Mr Ryder did not state the periods and the location(s) for which he was found eligible for the Stolen Wages Reparation Scheme Western Australia:
  - (i) does this mean that Mr Ryder was treated differently from other successful applicants who received such information in their particular cases; and
  - (ii) does this mean that Mr Ryder was treated the same as other successful applicants in that they also did not receive such information for their particular case;
- (h) does the Minister agree that it is highly regrettable that neither Mr Ryder or other successful applicants received:
  - (i) an apology or statement of regret; and
  - (ii) information about the location(s) and periods for which they were found eligible;
- (i) if yes to (h), how will the Government address this;
- (j) in relation to Mr Ryder's case, did the process of assessing his application include:
  - (i) checking if historical records were available for him; and
  - (ii) if yes to (j)(i), identifying what these records indicated about the amount of income owed by the Government to Mr Ryder;
- (k) if the process of assessing Mr Ryder's application did not include checking of (j)(i) or (ii):
  - (i) did this mean that Mr Ryder was treated differently from other applicants; and
  - (ii) was it the case that a process of checking historical records and identifying what these records indicated for particular applicants, was similarly not carried out for

other applicants; and

(l) if the process was as indicated in (k)(ii), how is the Government able to assess whether the Stolen Wages Reparation Scheme Western Australia made adequate amends for income withheld from successful applicants?

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(a)-(b) The successful letters for the Scheme were considered to be tailored to individual applicants as they included specific details relating to the applicant, including bank details, and allocated reference number etc. It should be noted that it was not deemed necessary to include information on why the applicant was eligible for an ex-gratia payment as applicants were only deemed successful if they met the stated criteria. 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.

(c)

(i) See answer to (a) and (b).

(ii) Not applicable

(d) No.

(e)

(i) Not applicable.

(ii) Not applicable.

(f) Not applicable.

(i) Not applicable.

(ii) Not applicable.

(g)

(i) No.

(ii) Yes.

(h)

(i) No.

(ii) No. See answer to (a) and (b).

(i) Not applicable.

(j)

(i) No. Due to the significant lack of records and the passage of time, applications to the Scheme were assessed based on the information provided in the Statutory Declarations as part of the application.

(ii) Not applicable.

(k)

(i) No.

(ii) Yes. Due to the significant lack of records and the passage of time, applications to the Scheme were assessed based on the information provided in the Statutory Declarations as part of the application.

(l) The State Government's response to the issue of stolen wages was largely based on advice from the Stolen Wages Taskforce, which acknowledged that the lack of surviving records and the passage of time meant that it was not possible for the WA Government to identify and repay the actual amount of monies that were withheld. Therefore, the ex gratia payment offered was not an attempt to repay wages that were withheld, but rather an acknowledgement that the practice of stolen wages did occur.



**Minister for Aboriginal Affairs**