

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 SEPTEMBER 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 28 and 29 October 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 de facto).

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 September 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 28 and 29 October 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 defacto) 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 September 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.

If you want to find out more about the case, the settlement, or ask for a registration form, you can go to shine.com.au/stolenwageswa or scan the QR code below



