

WSH/385

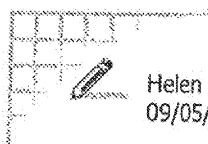
Amanda Young

09/05/2001 16:31

To: Helen M Hamley/DATSIPD@DATSIPD  
cc:

Subject: Re: Calculations used for June 200 Cab Sub

Thanks for this. The names were Lilly Viertmann and Rebecca Kratzmann FYI.  
Helen M Hamley



Helen M Hamley  
09/05/2001 15:48

To: Amanda Young/DATSIPD@DATSIPD  
cc: Kathleen Tolley/DATSIPD@DATSIPD, Cathy Boman/DATSIPD@DATSIPD

Subject: Re: Calculations used for June 200 Cab Sub

Amanda,

First of all, Kath recently raised with me the possibility of having someone at the Office of Economic & Statistical Research (who helped us in devising a method of projecting UAW eligible claimant numbers) helping us look at the methodology used in the Cab Sub last year on the QAA & AWF issue. I think this would be a very good idea.

Having said that, the methodology used was subjected to detailed scrutiny by Lily .....? and .....? Kratzman from Treasury and by Anthony Reilly from Premiers last year. I presume that any written feedback they provided will be on file & that Jacqueline will confirm that their verbal feedback was positive.

However, as you mentioned, there was one matter which caused me concern & which I raised with Jacqueline & Jim. By the time I was shown the final version, the Cab Sub had been sent to the CLLO and I was told it was too late to make any changes.

In short, Jacqueline/Jim assumed an annual death rate of about 10% in calculating how many people living in 1996 (last census) & born up to 1957 "under the Act" would have passed away by 2000. Thus, the numbers originally put forward for Claimant Categories A & B (i.e. 7,356 to 9,120) were reduced to 6,602 to 8,208.

I subsequently looked at **reported** deaths & arrived at an averaged annual death rate of about 0.5%. This is an understatement (because **reported deaths** are understated). The true averaged annual death rate lies somewhere above 0.5%, but is probably considerably less than 10%. (From memory, our most recent calculations of average annual death rates is around 1% - but don't quote me until I get hold of the UAW working papers!)

**What has to be remembered in all of this is that our (however inspired) calculations are based on statistics which are notoriously unreliable & this was emphasised in the Cab Sub.....but everyone wants numbers.....they're just not prepared to accept that numbers - particularly ones relating to the period before the late 1960s are just our best available - nothing more.**

Cheers  
Helen

Amanda Young 09/05/2001 13:58



**Amanda Young**

09/05/2001 13:58

To: Helen M Hamley/DATSIPD@DATSIPD  
cc: Cathy Boman/DATSIPD@DATSIPD, Kathleen Tolley/DATSIPD@DATSIPD

Subject: Calculations used for June 200 Cab Sub

Helen

You recently spoke with me and told me your view that the method of calculation for the Welfare Fund Cab Sub in June 2000 was incorrect in terms of the mortality rate applied.

Could you please give me more information about this? I intend to take this into account if refining of numbers needs to be undertaken in future.

thanks  
Amanda

RTI RELEASE



<Nathan.Domrow@treasury.qld.gov.au> on 21/05/2002 15:48:09

To: helen.hamley@datsipd.qld.gov.au  
cc:

Subject: Re: Some Communities

Helen

Please find attached a spreadsheet with the communities you were after and their 45+ populations. I have also included on another sheet data on extra communities as well. However we don't have details for Old Mapoon.

If you have any questions - let me know.

Nathan Domrow  
Office of Economic and Statistical Research  
Ph 322 44339  
Fx 233 77437

(See attached file: ATSI Community 45+ populations.xls)

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- ATSI Community 45+ populations.xls

# Community Populations for persons aged 45 years and over, 1996

	45-49	50-54	55-59	60-64	65-69	70-74	75+
Bamaga (IC)	43	36	18	13	19	6	12
Cherbourg (AC)	41	31	12	23	15	9	6
Doomadgee (AC)	27	18	20	9	7	7	12
Hope Vale (AC)	41	19	16	17	19	6	9
Injinoo (AC)	12	10	3	3	3	3	0
Kowanyama (AC)	55	33	19	21	22	9	12
Lochart River (AC)	21	6	17	6	3	3	3
Mornington (S)	65	49	38	22	12	9	9
Napranum (AC)	36	32	17	16	8	9	18
New Mapoon (AC)	12	6	12	9	3	3	6
Palm Islands (AC)	83	52	36	33	22	9	3
Pompuraaw (AC)	39	24	24	21	27	0	3
Umagico (AC)	12	18	0	0	0	3	0
Weipa	156	92	51	30	15	12	3
Woorabinda (AC)	41	35	26	33	0	6	6
Wujal Wujal (AC)	10	7	6	6	3	12	9
Yarrabah (AC)	69	51	42	20	20	18	17

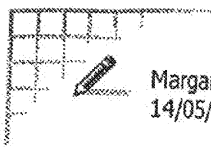
Source: ABS Census data, 1996



**Total (45+)**

147  
137  
100  
127  
34  
171  
59  
204  
136  
51  
238  
138  
33  
359  
147  
53  
237  
2,371

RTI RELEASE



Margaret X Reid  
14/05/2002 15:02

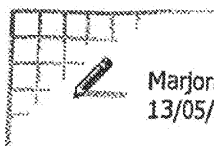
To: Helen M Hamley/DATSIPD@DATSIPD  
CC:

Subject: exemptions tally

1936 - 1  
1937 - 17  
1938 - 24  
1939 - 23  
1940 - 11  
1941 - 5

RTI RELEASE

WSH/385



Marjorie A Weber  
13/05/2002 13:44

To: Nathan.Domrow@treasury.qld.gov.au  
cc: Cathy Boman/DATSIPD@DATSIPD, Kathleen Tolley/DATSIPD@DATSIPD, Helen M Hamley/DATSIPD@DATSIPD, Lesley D Williams/DATSIPD@DATSIPD

Subject: Estimates of Aboriginal and Torres Strait Islander Population

Nathan

To confirm our conversation of this morning.

We are seeking to further refine these estimates as detailed below.

Based on your table "Experimental Projected Resident Indigenous Population OLD 2001", there are **16,650** Aboriginal/Torres Strait Islander persons aged 45+ years now living in Queensland.

As was discussed this morning, that **16,650** includes persons who:

- were never controlled under the 'protection acts' (including children born to persons who had been exempted from the act)
- were 'exempted' (released) from the acts as children & never worked or had their property controlled under the act
- were born outside Queensland & never came under the acts
- until recently did not identify as "Aboriginal" or "Torres Strait Islander" & who may never have been under the control of the acts

(As far as possible, we are seeking ways of eliminating those classes of persons from the 16,650)

That **16,650** does **not** include:

- persons who were controlled under the acts, but who are living interstate/overseas  
(As far as possible, we are seeking ways of quantifying this class of persons & adding them to the 16,650)

The Work & Savings Histories Unit can provide you with further data i.e.:

- approximate numbers of exemptions granted from the act between 1920 and 1967
- some idea of the numbers/proportion of exempted persons who were again brought back 'under the act'
- approximate numbers of persons controlled in government settlements and/or missions
- approximate numbers of persons controlled in 'country' areas (i.e. NOT on settlements/missions)

(We will be seeking your advice on how reliable that data is compared with your 'survivor' data based on population information which is available to your office)

We will provide the exemptions numbers asap.

In relation to exemptions information - persons who were **themselves** exempted as adults should be included in the population. If possible, those who are to be excluded from the population should be those who were exempted as children and that proportion of the population who are the descendants of persons who were exempted (and who were never themselves controlled under the relevant acts.)

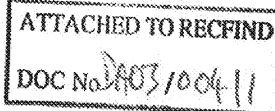
As these estimates will be used for determining budgetary estimates, any amended population totals should be accompanied by information which specifies any qualifiers on the information provided, and if possible, an estimate of the possible error rate and statement of the confidence which the OESR places in the accuracy of the figures.

Thank you

Marjorie

RTI RELEASE

## SUMMARY OF FINDINGS



### INTRODUCTION

The five-yearly Census of Population and Housing is one of the most important sources of information about Australia's Aboriginal and Torres Strait Islander peoples, providing a wide range of socioeconomic indicators for Indigenous Australians, particularly for small areas. It is also the basis for estimates of the resident Indigenous population for Statistical Local Areas (SLAs) and higher spatial units, and provides population counts for smaller geographic areas. This publication presents information on the geographic distribution of the Aboriginal and Torres Strait Islander population.

### ESTIMATED RESIDENT INDIGENOUS POPULATION

To arrive at an estimate of the size of the Aboriginal and Torres Strait Islander population using the Census count (on a usual residence basis), allowance is made for net undercount, and for instances in which Indigenous status is unknown. While each Census aims to count every person in Australia once, some people are inevitably missed and some are counted more than once; the net effect is referred to as undercount. In addition, Indigenous status is unknown in some cases, due to the Indigenous origin question not being answered, or the inability to obtain a Census form from persons who were identified in the field. A proportion of records in both categories will represent Indigenous residents. Population estimates for dates other than the Census date must also take account of births, deaths and migration in the intervening period.

At 30 June 2001 the experimental estimated resident Indigenous population of Australia was 460,140, or 2.4% of the total estimated resident population of Australia.

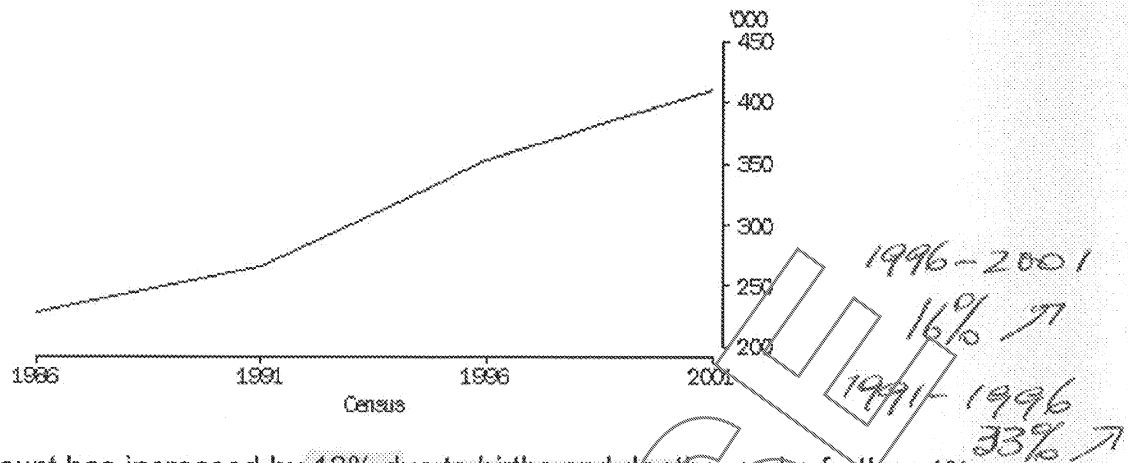
The States/Territories with the highest Indigenous populations were New South Wales (135,319 or 29%), Queensland (126,035 or 27%), Western Australia (66,069 or 14%) and the Northern Territory (57,550 or 13%). More than one in four people in the Northern Territory (29%) were estimated to be of Indigenous origin. In all other States/Territories, Indigenous Australians were estimated to comprise less than 4% of those populations, with Victoria's Indigenous population being the lowest proportion at 0.6% of that State's estimated resident population.

### CENSUS COUNTS

The Census count of Aboriginal and Torres Strait Islander peoples in Australia increased by 16% between the 1996 and 2001 Censuses. The Census count for the total population increased by 6% over the same period.

File 04

## CENSUS INDIGENOUS POPULATION COUNTS



The Indigenous count has increased by 12% due to births and deaths, and a further 4% primarily due to an increasing propensity for persons to be identified as Indigenous on Census forms, giving a total increase of 16% for the intercensal period. Between the 1991 and 1996 Censuses, the Indigenous count increased by 14% due to births and deaths, and a further 19% due to other factors, giving a total increase of 33% between 1991 and 1996.

There are two main types of Census counts of Indigenous Australians. The Census counts people where they are on Census night (place of enumeration) as well as where they live (usual residence).

Both counts can be used for analysis although the usual residence count is preferred in geographical analyses because it classifies people who are away from home at Census time to the area in which they usually live, as long as address details are provided. Counts on a usual residence basis therefore correct for the effect of seasonal fluctuations in holiday/resort areas and, in remote areas, for the effect of visitation and mobility issues and events such as festivals or funerals.

The following table presents the population measures for Australia, States and Territories on the basis of place of enumeration Census counts, usual residence Census counts, and estimated resident population.

## POPULATION MEASURES

	CENSUS PLACE OF ENUMERATION, 7 AUGUST 2001(a)		CENSUS USUAL RESIDENCE, 7 AUGUST 2001(b)		ESTIMATED RESIDENT POPULATION AT 30 JUNE 2001	
	Indigenous	Total	Indigenous	Total	Indigenous (c)	Total(d)
State/Territory	no.	no.	no.	no.	no.	no.
New South Wales	119,865	6,311,168	120,047	6,326,579	135,319	6,609,304
Victoria	25,078	4,612,097	25,059	4,660,991	27,928	4,822,663
Queensland	112,772	3,585,639	112,575	3,522,044	126,035	3,635,121
South Australia	23,425	1,458,912	23,377	1,470,057	25,620	1,514,854
Western Australia	58,496	1,832,008	58,467	1,828,294	66,069	1,906,114
Tasmania	15,773	454,841	15,856	460,672	17,442	472,931
Northern Territory	50,785	202,729	50,845	188,075	57,550	200,019
Australian Capital Territory	3,576	309,184	3,548	309,998	3,941	321,680
<b>Australia(e)</b>	<b>410,003</b>	<b>18,769,249</b>	<b>410,003</b>	<b>18,769,249</b>	<b>460,140</b>	<b>19,485,278</b>

File 04

- (a) Number of persons counted in each State/Territory on Census night, 7 August 2001. Excludes overseas visitors.
- (b) Number of persons usually resident in each State/Territory on 7 August 2001 regardless of where they were counted on Census night.
- (c) An explanation of the method used for calculating the estimated resident Indigenous population is available in Appendix 2.
- (d) Census usual residence counts, plus Australian residents temporarily overseas on Census night, plus the estimated Census underenumeration, plus deaths and less births occurring between 30 June and 7 August 2001, giving estimated resident population at 30 June 2001.
- (e) Includes Jervis Bay Territory, Cocos (Keeling) Islands and Christmas Island.

## UNKNOWN INDIGENOUS STATUS AND UNDERCOUNT

There are two situations which result in Indigenous status being unknown: where Census forms are returned to the ABS with the Indigenous origin question unanswered (question non-response); and where the ABS cannot obtain forms from persons identified in the field (imputed records).

Question non-response can occur given Census forms are completed by respondents themselves (apart from Special Indigenous Forms). The Indigenous origin question is more comprehensively answered than most other Census variables. Nevertheless, the question non-response rate for Indigenous status has increased slightly from 1.7% in the 1996 Census to 2.0% in 2001. Some of the people who did not have a response provided for them will be Indigenous, although the proportion that is actually Indigenous is not known.

In addition, completed forms are not able to be obtained from all people found during enumeration and Census records therefore need to be imputed. The proportion of the total Australian population represented by imputed records was 2.1% in the 2001 Census, compared to 1.3% in the 1996 Census. The number of imputed records in the 2001 Census was substantially higher (up by 71% on the level of imputation necessary in the 1996 Census). Once again, some of these imputed records would relate to people who, if a form had been completed, may have been identified as Indigenous, although the proportion who were actually Indigenous is not known. The most marked increases in imputed records since the 1996 Census were in New South Wales (up from 1.4% to 2.7%), the Australian Capital Territory (up from 1.3% to 2.1%) and Victoria (up from 1.2% to 2.1%).

Taken together, question non-response and imputed records where Indigenous status is unknown, represented 4.1% of the total Australian population, compared with 3.0% in the 1996 Census. The number of people for whom Indigenous status is unknown (767,757) was higher than the number of people who were identified as Indigenous (410,003). The most marked increases in the number of records with Indigenous status unknown since the 1996 Census, were in New South Wales (up from 3.0% to 4.6%), the Australian Capital Territory (up from 2.1% to 3.4%) and the Northern Territory (up from 4.9% to 6.1%).

To produce estimates of the resident Indigenous population, the unknown records are allocated Indigenous status. See **Population Measurement Issues** for more analysis of question non-response and imputed records, and **Appendix 2: Estimated resident Indigenous population - Method of calculation** for an explanation of the method of allocation.

### Undercount

Some people are missed each Census and some are counted more than once. The net effect is called net undercount. The preliminary net undercount for Indigenous Australians



for the 2001 Census has been estimated at about 6.5%, not significantly different from the 1996 Census undercount of 7.0%.

In estimating the resident Indigenous population, the Indigenous net undercount rate is applied to Census usual residence counts to account for Indigenous residents who were missed or counted more than once.

For more information, see both **Population Measurement Issues** and **Appendix 2: Estimated resident Indigenous population - Method of calculation.**

## GEOGRAPHIC DISTRIBUTION

### ATSIC Regions

In the more populous metropolitan Aboriginal and Torres Strait Islander Commission (ATSIC) Regions, while Indigenous Australians are a minority of the total populations of these regions, the numbers of Indigenous Australians in these regions tend to be larger than in other ATSIC Regions. Nine ATSIC Regions (Sydney, Brisbane, Coffs Harbour, Perth, Cairns, Townsville, Hobart, Adelaide and Darwin), out of a total of 36 regions, account for almost half (48%) of the Indigenous population of Australia.

The ATSIC Region with the largest Indigenous population, based on Census usual residence counts, is Sydney (37,557), followed by Brisbane (34,809), Coffs Harbour (32,122), Wagga Wagga (20,966), and Perth (20,506). The ATSIC Regions with the highest proportion of Indigenous residents are outside the major population centres and include: the Torres Strait Area in Queensland (77%), and the Jabiru and Apatula regions in the Northern Territory (both 75%).

The highest intercensal regional increases in the Indigenous population, (based on Census place of enumeration counts because comparative data for place of usual residence at this level of geography are not available for 1996), occurred in the ATSIC Regions of Coffs Harbour (30%), Brisbane (28%), Queanbeyan and Roma (both 23%), Broome (22%) and Tamworth (20%). As in previous Censuses, high Indigenous population growth was mainly associated with more urbanised areas. In contrast, the smallest increases occurred in the Torres Strait Area (2%), Bourke (3%) and Warburton (6%). The Indigenous population of Tennant Creek decreased by 7% between 1996 and 2001, the only ATSIC Region to record a decline.

The extent to which Indigenous status is unknown varies considerably from one region to another. For example, it is relatively high in the Western Australian ATSIC Regions of Derby (16%) and Kununurra (13%), and as low as 3% for the Apatula ATSIC Region in the Northern Territory.

### Indigenous Areas and Indigenous Locations

Indigenous Areas and Indigenous Locations provide a useful basis for analysing data about the Indigenous population. In about one in five Indigenous Areas, over half the population were recorded as being of Indigenous origin.

The Indigenous Area with the most Indigenous Australians, based on Census usual residence counts, was Townsville (C) (4,369). While many of the areas with high



File 04

Indigenous counts (more than 2,500 Indigenous residents) also had proportions of Indigenous residents higher than the national average of 2.2%, only Tanami (85%) had a majority of residents recorded as Indigenous.

### 2001 CENSUS(a), INDIGENOUS AREAS WITH HIGHEST INDIGENOUS COUNTS

Rank	Indigenous Area	ATSIC Region	Indigenous persons	Proportion of population which is Indigenous
			no.	%
1	Townsville (C)	Townsville	4,369	5.0
2	Gold Coast City Part B SSD	Brisbane	3,484	1.0
3	Lake Macquarie (C)	Coffs Harbour	3,416	1.9
4	Dubbo (C)	Wagga Wagga	3,358	9.1
5	Cairns (C) - Central Suburbs	Cairns	3,133	15.3
6	Mount Isa	Mount Isa	3,046	15.6
7	Alice Springs (T): excl. town camps	Alice Springs	3,043	12.8
8	Burdekin/Thuringowa	Townsville	3,004	5.0
9	Rockhampton (C)	Rockhampton	2,881	5.2
10	Wollongong (C)	Sydney	2,659	1.5
11	Tanami	Apatula	2,639	84.7
12	Brisbane northern outer	Brisbane	2,627	1.5
13	Mackay (C) - Part A	Townsville	2,591	4.2
14	Toowoomba (C)	Roma	2,546	3.0
15	Wyong (A)	Coffs Harbour	2,536	1.9
16	Ipswich central & west	Brisbane	2,520	3.0
17	Broome	Broome	2,514	24.0
	<b>Australia(b)</b>		<b>410,003</b>	<b>2.2</b>

(a) Usual residence.

(b) Includes persons whose place of usual residence was inadequately described.

The Indigenous Areas with the highest recorded Indigenous populations were not all in the ATSIC Regions with the highest Indigenous counts. Within the most populous ATSIC Region of Sydney (37,567 Indigenous residents), the most populous Indigenous Areas were on the southern outskirts, including Wollongong (C) (2,659), Kiama(A)/Shellharbour(C) (1,412), Liverpool (C) (2,030), Campbelltown surrounds (1,262) and Bankstown (C) (1,218).

Within each ATSIC Region, Indigenous Areas can be aggregated in many ways. In some cases larger places can be represented by several Indigenous Areas. Examples from the Sydney ATSIC Region include: Blacktown (C) (twelve Indigenous Areas, 6,062 Indigenous residents); Campbelltown (six Indigenous Areas, 3,582 Indigenous residents); and Penrith (six Indigenous Areas, 3,426 Indigenous residents). Further afield, examples include the Australian Capital Territory (three Indigenous Areas, 3,496 Indigenous residents); Brisbane (C) (nine Indigenous Areas, 10,737 Indigenous residents); Cairns (C) (six Indigenous Areas, 5,878 Indigenous residents); and Adelaide (four Indigenous Areas, 1,798 Indigenous residents).

The Indigenous Locations with the highest recorded Indigenous populations were also Indigenous Areas, and tend to be major population centres. For example, Townsville (C), with 4,369 people of Aboriginal or Torres Strait Islander origin, is both an Indigenous Area and an Indigenous Location. In contrast, some of the remote Indigenous Areas such as Fitzroy River in Western Australia, and Cape York in Queensland, are comprised of

numerous Indigenous Locations (in these cases ten and eight respectively). Overall, about 60% of Indigenous Areas comprised a single Indigenous Location, while others were represented by a number of Indigenous Locations.

Instances of Indigenous status being unknown tended to occur in particular Indigenous Locations, many of which are also Indigenous Areas. In some Indigenous Locations, Indigenous status was unknown for over 20% of the population. Although examples of a high incidence of Indigenous status being unknown occurred in Indigenous Locations all over Australia, there were two major clusters: the Kimberleys in Western Australia; and Cape York Peninsula and the Gulf country in Queensland. While question non-response was the major contributor for Cape York, in the Kimberleys question non-response and imputation both contributed, and in the Gulf country imputed records dominated. The extent to which Indigenous status is unknown was also high in the inner areas of some major population centres, largely due to the imputation of Census records. These included: Sydney(C) (31% of Census records); [Darwin]City-Inner (31%); Perth(C) (17%); Cairns(C) - City(14%); and Melbourne(C)/PortPhillip (C) (12%). See **Population Measurement Issues** for more analysis of question non-response and imputed records.

### TORRES STRAIT ISLANDER PEOPLE

In the 1996 and 2001 Censuses, people were able to be reported as being of both Aboriginal and Torres Strait Islander origin. The term Torres Strait Islander refers to people of Torres Strait Islander origin, whether or not they are also of Aboriginal origin.

Of the 410,003 people who were identified as Indigenous in the 2001 Census, 6.4% were reported to be of Torres Strait Islander origin only (8.1% in 1996), 89.4% were reported to be of Aboriginal origin only (89.0% in 1996), and 4.3% were reported to be of both origins (2.9% in 1996).

Over half (58%) of all Torres Strait Islander people live in Queensland. The rest of the population is scattered around the other States, with 18% in New South Wales and 6% in Victoria. The Indigenous Area of Cairns(C) - Central Suburbs had the highest Torres Strait Islander population in Queensland (1,814 people), followed by Townsville (C) (1,379). Within the Torres Shire, the largest Indigenous populations were recorded for the Indigenous Locations on Thursday Island (804 people in Tamoi, Rose Hill, Applin, Wyborn and Quarantine (TRAWQ), and 754 people in Port Kennedy). Bamaga (655) and Badu Island (518) also have relatively large Torres Strait Islander populations. A majority of the people in the Torres Shire settlements are Torres Strait Islanders (74%).

The proportion of people for whom Indigenous status is unknown in the Torres Shire (5.9%) was higher than the national average of 4.1%. For some Indigenous Locations the rate of Indigenous status being unknown was relatively high e.g. Horn Island (24%) and TRAWQ (Thursday Island) (16%). In all Indigenous Locations in the Torres Shire, the number of Torres Strait Islanders far outweighed the number of people of unknown origin.



### Queensland Government Offer

The Queensland Government acknowledges the controls exercised under a series of Acts known as "the Protection Acts" over the wages and savings of Aboriginal and Torres Strait Islanders peoples. This Government is committed to reaching a resolution of these long standing issues and wishes to make an offer for this purpose.

#### The Offer Is:

1. **Monetary Amount**

The total amount offered is \$55.6m and is a once only offer and a capped amount.

2. **Apology**

A written apology from the Government to all living persons who had their wages and savings controlled and who are eligible to make a claim.

3. **Parliamentary Acknowledgement**

Upon agreement, the Premier will make a Statement in the House on behalf of the Government. This Statement will place a public recognition of past injustices on the basis of race on the Parliamentary record. The Premier will host a major function to commemorate the occasion at Parliament House.

4. **Government Protocol to Acknowledge Traditional Owners**

A protocol for commencement of all official Government business will be adopted requiring acknowledgment of traditional owners.

5. **Aborigines Welfare Fund**

The distribution of the Aborigines Welfare Fund (currently \$8.6M) to be progressed as a separate issue. This distribution to include, but not be limited to, the development of an oral histories collection relating to this matter, and appropriate signage which recognises the tribal boundaries around country. Other projects may include, for example, a history kit for schools.

#### Basis for Reparation:

In making this reparations offer the Queensland Government acknowledges that the monetary offer may not meet the expectations of many potential claimants.

The current Government negotiating position is that the reparation offer is being made, not based upon any admission of legal liability, but in the spirit of reconciliation.

#### Distribution

The Government's formula for distribution is detailed over the page. Other options for distributing the total amount are open to consideration. Proposals regarding distribution should be provided in writing by Friday 9 August 2002 to the Honourable Judy Spence MP Minister for Families, Minister for Aboriginal and Torres Strait Islander Policy and Minister for Disability Services.

#### Fixed Principles

Agreement on this offer must be consistent with the following principles:

- The reparation funds will be administered by the Department of Aboriginal and Torres Strait Islander Policy;
- Any formula for distribution must:
  - Give priority to older people;
  - Ensure equitable access by potential claimants;
  - Be transparent and accountable; and
  - Be simple and timely.
- The Government requires that any compensation process be completed within three years of an agreement.



## Reparation Amounts

The total amount of the package is capped at \$55.6m.

The Government formula and rationale is detailed below. Other options for distribution will be considered.

### Categories of Eligible Claimants

#### Group A Claimants

- Eligible claimants will be people who were:
  - Born up to the end of 1951 and are aged 50 or older in 2002;
  - Lived under the 1897 and/or 1939 Acts; and
  - Are alive at a date to be agreed.
- The proposed reparation payment for these claimants is \$4,000 per person.
- Population estimates indicate there are approximately 11,400 people alive today who may be in this group.

#### Group B Claimants

- Eligible claimants will be people who were:
  - Born up to the end of 1956 are aged between 45 and 49 in 2002;
  - Lived under the 1939 and/or 1965 acts;
  - Are alive at a date to be agreed; and
  - Are not included in the group above.
- The proposed reparation payment for these claimants is \$2,000 per person.
- Population estimates indicate there are approximately 5,000 people in addition to those in Group A who are alive today who may be in this group.

**NOTE:** The above estimates were prepared by the Office of Economic and Statistical Research. They include a 6% undercount in census numbers and an assumption that all Aboriginal and Torres Strait Islander people were under the Act.

#### Indemnity

Payment of the reparation amount will be subject to each person signing an agreement which indemnifies the Government against any common law or other legal actions which may otherwise be available under the *Aboriginals Protection and Restriction of the Sale of Opium Acts 1897*, the *Aboriginals Preservation and Protection Act 1939*, the *Torres Strait Islanders Act 1939*, *Aborigines and Torres Strait Islander's Affairs Act 1965*, the *Aborigines Act 1971*, the *Torres Strait Islander Act 1971*, *Community Services (Aborigines) Act 1984* and the *Community Services (Torres Strait) Act 1984*.

ATTACHED TO REFIND

DOC No DA83/00406

### SCOPE OF ELIGIBILITY REQUIREMENTS FOR REPARATION PAYMENTS

The scope of the eligibility requirements will directly influence the number of people who will be eligible for payments. Currently, there is some confusion as to whether eligible people will be those who;

- 1) were subject to the relevant "Protection Acts" (the broadest category);
- 2) had savings controlled (narrower than category 1 but broader than 3 and 4);
- 3) had their labour and/or wages controlled (probably narrower than categories 1 and 2 but may be larger than category 4); and/or
- 4) had wages and savings controlled (possibly the smallest number of people).

The Scope of these requirements will also influence the administrative complexity of the assessment process

Criteria	Administrative Difficulty in Determining Eligibility	Impact on Possible Claimant Numbers	Comment
1. People who were subject to the relevant "Protection Acts"	Relatively simple	Broadest category of people but may exclude some people who were not subject to the Acts but had their labour/wages and/or savings controlled.	Largest Number of People/Relatively simple to administer. Community resistance to including people who may have been exempted as children and who may never had labour/wages and/or savings controlled.
2. People who had savings controlled	More difficult administratively and records may not be complete	Narrower category of people than (1). Includes: <ul style="list-style-type: none"> <li>• people who may not have been subject to the Acts but had savings controlled</li> <li>• all people who had savings controlled – whether they were subject to controls over their labour/work or not (eg some children had savings accounts)</li> <li>• women who had child endowment accounts</li> </ul> Excludes: <ul style="list-style-type: none"> <li>• people who had to work on communities but who never had a savings bank account</li> <li>• dormitory children who never</li> </ul>	Smaller number of people than in (1) above. Administratively more difficult to administer. Records are not complete for particular places/periods and people may be assessed as ineligible because of this.

Criteria	Administrative Difficulty in Determining Eligibility	Impact on Possible Claimant Numbers	Comments
3. People who had their labour and/or wages controlled	<p>More difficult administratively than (1) above.</p> <p>Records may not be complete</p> <p>May be no records for categories of workers;</p> <ul style="list-style-type: none"> <li>- women without children (and therefore no child endowment)</li> <li>- local workers.</li> </ul>	<p>received the benefit of their child endowment and who were separated from their parents (who were often out at work.)</p> <ul style="list-style-type: none"> <li>• local workers including those living on stations who were not paid and who never had a savings bank account.</li> </ul>	
	<p>More difficult administratively than (1) above.</p> <p>Records may not be complete</p> <p>May be no records for categories of workers;</p> <ul style="list-style-type: none"> <li>- women without children (and therefore no child endowment)</li> <li>- local workers.</li> </ul>	<p>Narrower category of people than (1) above.</p> <p>Includes:</p> <ul style="list-style-type: none"> <li>• people who may not have been subject to the Acts but had labour and/or wages controlled</li> <li>• inside workers on communities and missions who were required to work but may not have been paid</li> <li>• local workers including those living on stations who were not paid and who never had a savings account</li> </ul> <p>Excludes:</p> <ul style="list-style-type: none"> <li>• dormitory children who were separated from their parents (who were often out at work.)</li> <li>• women who were caring for children who had their child endowment controlled.</li> </ul>	<p>Smaller number of people than in (1) above.</p> <p>Administratively more difficult to administer.</p> <p>Records may not be complete for particular places/periods and people may be assessed as ineligible because of this.</p>
4. People who had wages and savings controlled.	<p>More difficult administratively than (1), (2) and (3) above.</p> <p>Records may not be complete</p> <p>May be no records for categories of workers and partial records for others;</p> <ul style="list-style-type: none"> <li>- women without children (and therefore no child endowment)</li> </ul>	<p>Narrowest category of people.</p> <p>Includes:</p> <ul style="list-style-type: none"> <li>• People who may never have been subject to the Acts but had their wages and savings controlled.</li> </ul> <p>Excludes:</p> <ul style="list-style-type: none"> <li>• Inside workers on communities and</li> </ul>	<p>Smaller number of people than in (1) (2) and (3) above.</p> <p>Administratively more difficult to administer.</p> <p>Records may not be complete for particular places/periods and people may be assessed as ineligible because of this.</p>

Criteria	Administrative Difficulty in Determining Eligibility	Impact on Possible Claimant Numbers	Comment
	- local workers.	<ul style="list-style-type: none"><li>missions who were required to work but who may never have had a savings bank account.</li><li>Women who had their child endowment controlled.</li><li>local workers including those living on stations who were not paid and who never had a savings account</li><li>people who had a savings bank account but were never subject to controls over their work.</li><li>dormitory children who were separated from their parents (who were often out at work.)</li></ul>	



ATTACHED TO RECORD

DOC No DA03 / 00410

## SCOPE OF ELIGIBILITY REQUIREMENTS FOR REPARATION PAYMENTS

Rationale for Reparation: Reparation payments are being made in recognition of past Government control of the labour and financial affairs of people who came under the "protection acts" i.e. *The Aborigines Protection and Restriction of the Sale of Opium Act, 1897; The Aborigines Preservation and Protection Act, 1939; the Torres Strait Islanders Act, 1939; the Torres Strait Islanders Act, 1965; the Aborigines Act 1971; the Torres Strait Islander Act 1971...etc.* The Government itself has accepted that this is not a 'replacement' amount, but a reconciliation gesture which recognises past injustices.

Definition of 'under the Acts': For the purposes of this reparation offer, a person will be considered to have come 'under the Acts' if their labour or their finances were controlled directly by predecessor agencies of the Department of Aboriginal and Torres Strait Islander Policy. It is irrelevant whether this control was exercised legitimately. ('Agencies' includes officers who were delegated certain functions e.g. Clerks of the Court; Police Officers)

### Categories for Different Payments:

#### AGE

The current proposal is that eligibility is based on age i.e. those aged 50 years and over in 2002 are offered \$4,000; those aged between 45-49 years in 2002 are offered \$2,000. This differentiation is based upon the fact that with the passing of later pieces of legislation, the controls possible under the Acts were relaxed.

#### WORKER CATEGORY

There are alternative bases for differentiation. For example, there were different **categories of worker** – i.e.

- 'inside' workers who developed and maintained the settlements/missions and by Regulation worked up to 32 hours/week without wages
- 'outside' workers who were based in settlements/missions and who were sent out to work under agreements and whose wages were put into trust accounts held by the Government. Usually these people also worked 'inside' during their working lives.
- 'local' workers who were not attached to a settlement/mission but who also worked under agreements and whose wages were also held in trust accounts controlled by the Government

It is argued that outside and local workers were subject to more abuse than those who worked 'inside'. They often worked in isolation from the protection of family or other community members. Furthermore, their wages/savings were controlled and they had limited access to their personal savings. Their labour and wages provided the major economic basis for their communities, whether they were settlements, missions or local reserves. They also effectively paid tax twice.



Offering only One Amount: It would also be possible to simplify the process and avoid undue differentiation by making only one payment amount to all eligible applicants.

Payments Scheme	Advantages	Disadvantages
1. Two different payments, based on age	Consistent with increasing relaxation of controls under later Acts; Community approval of priority to older persons; older people who worked longer and under more oppressive conditions receive greater amount	More resources required to make distinction compared with offering only one amount; some people may not have evidence of age; people born a few days apart receiving different amounts;
2. Two different payments, based on worker type – • Outside & local workers • Inside workers	'Outside' and 'Local' workers were more isolated than 'inside' workers, subjected to more abuse, more of their money was controlled;	Extensive research needed to distinguish 'inside' workers would object; community divisions
3. One amount to all eligible claimants	Administratively simple to assess and make payments; may reduce community divisions;	Doesn't give due recognition to the greater length of time that older people were subjected to the controls & the greater degree of control

The scope of the eligibility requirements will directly influence the number of people who will be eligible for payments. Currently, there is some confusion as to whether eligible people will be those who:

- 1) were subject to the relevant "Protection Acts" (the broadest category);
- 2) had savings controlled (narrower than category 1 but broader than 3 and 4);
- 3) had their labour and/or wages controlled (probably narrower than categories 1 and 2 but may be larger than category 4); and/or
- 4) had wages and savings controlled (possibly the smallest number of people).
- 5) Had labour and/or wages and/or savings controlled (smaller than 1, but probably larger than 2, 3, or 4)

The Scope of these requirements will also influence the administrative complexity of the assessment process.

<i>Criteria</i>	<i>Administrative Difficulty in Determining Eligibility</i>	<i>Impact on Possible Claimant Numbers</i>	<i>Comment</i>
1. People who were subject to the relevant "Protection Acts"	Relatively simple	Broadest category of people but may exclude some people who <del>were not</del> subject- should have not been subject to the Acts but had their labour/wages and/or savings controlled. For example, one family whose inheritances were controlled by the Government for forty years - despite the fact that they were not properly persons who should have been subject to the Act.	Largest Number of People/Relatively simple to administer. Community resistance to including people who may have been exempted as children and who may never have had labour/wages and/or savings controlled.
2. People who had savings controlled	More difficult administratively and records may not be complete	Narrower category of people than (1). Includes: <ul style="list-style-type: none"> <li>• people who may not have been subject to the Acts but had savings controlled</li> <li>• all people who had savings controlled - whether they were subject to controls over their labour/work or not (eg some children had savings accounts)</li> <li>• women who had child endowment accounts</li> </ul> Excludes: <ul style="list-style-type: none"> <li>• people who had to work on communities but who never had a savings bank account</li> <li>• dormitory children who never received the benefit of their child endowment and who were separated from their parents (who were often out at work.)</li> <li>• local workers including those living</li> </ul>	Smaller number of people than in (1) above. Administratively more difficult to administer. Records are not complete for particular places/periods and people may be assessed as ineligible because of this.

Criteria	Administrative Difficulty in Determining Eligibility	Impact on Possible Claimant Numbers	Comment
3. People who had their labour and/or wages controlled	<p>More difficult administratively than (1) above. Records may not be complete</p> <p>May be no records for categories of workers;</p> <ul style="list-style-type: none"> <li>- women without children (and therefore no child endowment)</li> <li>- local workers.</li> </ul>	<p>on stations who were not paid and who never had a savings bank account.</p> <p>Narrower category of people than (1).</p> <p>Includes:</p> <ul style="list-style-type: none"> <li>• people who may not have been subject to the Acts but had labour and/or wages controlled</li> <li>• inside workers on communities and missions who were required to work but may not have been paid</li> <li>• local workers including those living on stations who were not paid and who never had a savings account</li> </ul> <p>Excludes:</p> <ul style="list-style-type: none"> <li>• dormitory children who were separated from their parents (who were often out at work.)</li> <li>• women who were caring for children who had their child endowment controlled.</li> </ul>	<p>Smaller number of people than in (1) above.</p> <p>Administratively more difficult to administer.</p> <p>Records may not be complete for particular places/periods and people may be assessed as ineligible because of this.</p>
4. People who had wages and savings controlled.	<p>More difficult administratively than (1), (2) and (3) above.</p> <p>Records may not be complete</p> <p>May be no records for categories of workers and partial records for others;</p> <ul style="list-style-type: none"> <li>- women without children (and therefore no child endowment)</li> <li>- local workers.</li> </ul>	<p>Narrowest category of people.</p> <p>Includes:</p> <ul style="list-style-type: none"> <li>• People who may never have been subject to the Acts but had their wages and savings controlled.</li> </ul> <p>Excludes:</p> <ul style="list-style-type: none"> <li>• Inside workers on communities and missions who were required to work but who may never have had a savings bank account.</li> <li>• Women who had their child endowment controlled.</li> </ul>	<p>Smaller number of people than in (1) (2) and (3) above.</p> <p>Administratively more difficult to administer.</p> <p>Records may not be complete for particular places/periods and people may be assessed as ineligible because of this.</p>

Criteria	Administrative Difficulty in Determining Eligibility	Impact on Possible Claimant Numbers	Comment
5. Labour and/or savings and/or wages	Relatively simple	<ul style="list-style-type: none"> <li>local workers including those living on stations who were not paid and who never had a savings account</li> <li>people who had a savings bank account but were never subject to controls over their work.</li> <li>dormitory children who were separated from their parents (who were often out at work.)</li> </ul>	
		<input type="checkbox"/> introduces broader concept of "labour". <input type="checkbox"/> This category will be inclusive of those subject to government control but who may have no or little evidence such as savings bank accounts, wages register entry etc <input type="checkbox"/> Constitutes a narrower category than (1) but is broader than categories (2), (3) or (4) <input type="checkbox"/> Will include all those who worked but who are not paid wages eg seasonal workers in WW2 and/or those who were just paid in rations	

There are a number of options for the distribution of the \$55.4M offered for Reparations.

Distribution Options	Advantages	Disadvantages
1. \$4,000 and \$2,000 as currently proposed	Consistent with public announcements	Small amount; eligible claimants probably fewer than 16,400; 'leftover' money will not be used for reparations
2. Assess all applications, then decide on	Maximise payment amounts to eligible	Claimants waiting longer to hear about

amount	applicants; keep within limit of \$55.4M; appropriate measure given that estimate of 16,400 is an upper limit	what amount they may receive; no payments made until all applications assessed; inconsistent with worker category method of differentiating claimants.
3. Assess & make payments, distribute remaining amount of the \$55.4M in a second round of payments to older people	Maximise payment amount to older people; use full \$55.4M; avert community disquiet if full \$55.4M is not distributed for reparations	Extra administration may extend process.

**RECOMMENDATIONS:**

- ☐ Streamline eligibility categories by replacing categories 1, 2, 3 & 4 with category 5
- ☐ Ensure that the full amount of \$55.4M is used to make reparation payments to eligible claimants.