



Scheme Outline

Department of the Premier and Cabinet

31 October 2025

About this Outline

The purpose of this document is to outline the WA Government's approach to the administration and implementation of the WA Stolen Generations Redress Scheme (Scheme). This includes:

- the governance, roles and functions associated with the Scheme (including the Working Group and Independent Assessors);
- guidance on the administration of the Scheme; and
- key definitions.

The Outline applies to everyone who is participating in or who is involved in administering or implementing the Scheme, including:

- the Department of the Premier and Cabinet (Department);
- all government agencies involved in the implementation and delivery of the Scheme; and
- non-government organisations or bodies, and individuals involved in the implementation and delivery of the Scheme including Independent Assessors and members of the Working Group.

The Outline may be amended by the Department from time to time as necessary, subject to approval of the Minister for Aboriginal Affairs (Minister).

The Scheme Outline (Outline) can be read in conjunction with the WA Stolen Generations Redress Scheme **Guidelines: How to make an Application**.

Where applicable, words and expressions used in this Outline have the meanings given to them in the Definitions section.

Questions about this Outline can be referred to the Department. This may include requests for further information or referrals to services referred to in this Outline. Contact details for the Department are:

Phone: (08) 6552 5050: 9am-4:30pm Monday-Friday (excluding public holidays).

Email: WASG@dpc.wa.gov.au

Contents

About this Outline 1

PART 1 – INTRODUCTION 5

What is the WA Stolen Generations Redress Scheme? 5

Guiding Principles 5

Scheme Governance 5

Roles and responsibilities 6

 Minister for Aboriginal Affairs 6

 Department of the Premier and Cabinet (Department) 6

 Other Government agencies 6

 Working Group 6

 Independent Assessors 7

How long will the Scheme be open? 7

Who can help with an Application? 7

 Support services 8

Nominee 9

 Can an organisation be a Nominee? 9

 Authorising a Nominee 9

 What can a Nominee do? 9

 What **CAN'T** a Nominee do? 10

 What happens if something changes? 10

 Power of Attorney or Guardianship and Administration 11

PART II – APPLICATION PROCESS 12

Eligibility criteria 12

Scheme Application Map 12

Who can make an Application? 12

 How to Apply (living Applicant) 13

 Identification documents 13

 Other supporting documents 14

Privacy, Information Sharing and Document Verification Service 15

Consent to information sharing	16
Where the Applicant passes away during the Application process	17
Nominating a Beneficiary in the Application Form.....	17
Providing details of a Will (if the Applicant has one).....	17
Submitting an Application	18
Confirmation of Application.....	18
PART III - Applying on behalf of a deceased person	19
Who can apply on behalf of a Deceased Applicant?.....	19
Eligibility	20
How to Apply on behalf of a Deceased Applicant	20
Support Services	20
Supporting documentation.....	20
<i>Information about the Executor, Administrator or Family Member Applicant</i>	20
<i>Information about the Deceased Applicant</i>	21
PART IV - How Applications will be processed	22
Prioritisation.....	22
Department review of Application	22
How the Department will search for records	22
Aboriginal History Western Australia.....	22
Records from other sources	23
Assessing an Application	23
What is an Independent Assessor?	23
Department decision.....	24
PART V – RECEIVING A PAYMENT	25
Payments for Eligible Applicants	25
If an Applicant is eligible for a payment.....	25
Confirming an Applicant’s bank details	25
Acceptance Form	25
Managing payments	26
Financial counselling	26
Tax liability and government benefits.....	26
Income tax.....	26

Social security benefits.....	26
Commonwealth Rental Assistance	27
Veterans Affairs.....	27
Aged Care entitlements	27
Payment into bank account	27
Personal acknowledgement	28
If an Applicant is found ineligible for a payment	28
Notification	28
Review	28
How is a Review conducted?.....	28
Decision Review outcome is final	29
Complaints	29
Schedules	29
Definitions	30

PART 1 – INTRODUCTION

What is the WA Stolen Generations Redress Scheme?

On 27 May 2025, the WA Government announced the WA Stolen Generations Redress Scheme (Scheme) to support Aboriginal and Torres Strait Islander people who were removed as children from their families in Western Australia before 1 July 1972.

In recognition of the harm and trauma experienced by Stolen Generations survivors in WA, the Scheme provides individual payments of \$85,000 to eligible individuals, and the offer of a Personal Acknowledgment.

In addition, the WA Government is working with Aboriginal Stolen Generations organisations on measures to support healing and truth-telling for all members of the Stolen Generations in Western Australia.

A Working Group was established to work together to design, develop and oversee the implementation of the Scheme. The Working Group includes representatives from the key Aboriginal organisations, the Department, and Ministerial Officers.

Guiding Principles

These key principles guide the implementation of the Scheme:

- a) **No further harm to members of the Stolen Generations or their families** – the process will be supported, accessible, transparent and trauma-informed.
- b) **Partnership with key Stolen Generations organisations** – to ensure the Scheme design is informed by the voices and experiences of Stolen Generations survivors.
- c) **Streamlined process** – to ensure timely payment to Stolen Generations survivors, most of whom are elderly.
- d) **Promoting healing and truth telling** – in line with existing WA Government commitments in the *Aboriginal Empowerment Strategy 2021-29* and under the *National Agreement on Closing the Gap*.

Scheme Governance

Below is an outline of the Scheme Governance.



Roles and responsibilities

Minister for Aboriginal Affairs

The Minister for Aboriginal Affairs (Minister), in consultation with the Attorney General, has overall responsibility for the implementation and oversight of the Scheme, including discretion in the making of ex gratia payments.

Department of the Premier and Cabinet (Department)

The Department is implementing the Scheme on behalf of the Minister for Aboriginal Affairs and is responsible for the overall design, development and delivery of the Scheme including but not limited to:

- intake and management of Applications, including prioritisation triage based on available information;
- assistance and liaison with Applicants or Nominees throughout the process, including referrals to support services;
- liaising with Aboriginal History WA (AHWA) and other agencies or organisations where required in relation to records searches and access;
- liaison and support to Independent Assessors;
- decisions regarding eligibility, informed by determinations of Independent Assessors;
- notifying Applicants of the outcome of their Applications;
- facilitating and administering payments, including via third party providers as required;
- coordinating Personal Acknowledgement processes;
- managing review processes; and
- preparing reports for and on behalf of the Minister and the Department as required from time to time.

Other Government agencies

Other WA Government agencies will also contribute to the implementation of the Scheme. For example:

- AHWA is responsible for searching historical records to identify information to support each Application;
- Department of Communities is engaging with providers of financial counselling services;
- Department of Justice is engaging with providers of independent legal advice for Applicants.

Working Group

The role of the Working Group is to work together to oversee the implementation of the Scheme in accordance with its Terms of Reference. This includes:

- design and development of guidelines, resource materials, and all aspects of the Application and assessment process consistent with a trauma informed and culturally responsive approach;
- development of a comprehensive communication and outreach program; and
- review, evaluation and oversight of the progress of the Scheme.

Independent Assessors

An Independent Assessor is a person appointed in accordance with the Independent Assessor Terms of Reference (Schedule 1).

The role of Independent Assessors is to review Applications and make a determination on whether they consider the Application meets the Scheme's eligibility criteria.

More information on Independent Assessors is included under the heading 'How Applications will be Processed'.

How long will the Scheme be open?

The Scheme will be open for Applications for a period of three years, closing on **31 October 2028**. No applications will be accepted after this date.

Scheme operations may continue until 30 June 2029 to ensure that all Applications received on or before 31 October 2028 are finalised.

Who can help with an Application?

An Applicant can make an Application by themselves or they can ask someone to help them. This can be informal, such as asking a friend, family member, or someone they trust; or formal, by authorising a Nominee.

The Department is not able to talk to someone other than the Applicant unless they have been formally made a Nominee through the **Supported Applicant Form** being filled out by the Applicant (see Nominee information below).

Watch out for scammers!

Some people might be contacting potential applicants and try to talk them into making an Application and ask for a percentage of a future payment.

They might claim to be from a law firm or a government department. This type of targeted scam is called **claim farming** or **claims harvesting**.

It is important to know:

- No-one has to pay to apply to this Scheme
- No-one has to pay a support service to help with making an application
- Nobody should be asking for a fee or a percentage of any future payment.

Support services

The Government has engaged organisations to provide free services that can provide advice and assistance to Applicants. These services can give practical and emotional support to Applicants during the Application process, including help with filling out the Application Form or answering questions about the process.

Organisations engaged to provide Scheme Support Services include:



Yokai: Healing Our Spirit
Phone: (08) 6288 8123
Email: Redress@yokai.com.au
Office: 174 Treasure Rd, Queens Park 6107



Kimberley Stolen Generations Aboriginal Corporation
Phone: 1800 830 338
Email: reception@ksgac.com.au
Offices: 28 Barker Street, Broome 6725
29 Hunter Street, Broome 6725
5 Kentia Way, Kununurra 6743



Yorgum Healing Services
Phone: 1800 469 371
Email: referrals@yorgum.org.au
Offices: 176 Wittenoom Street, East Perth 6004
2A/4 Rason Link, South Hedland 6722
42 Wilson St, Kalgoorlie 643

Additional support services may be engaged over time; details will be updated on the Scheme website.

There are also free services that can help with managing money, including:

- Setting up a bank account
- Putting aside money for funerals
- Thinking about how to stop people humbugging Applicants.

The Department can provide more information about the **free financial counselling and legal** services available.

Nominee

An Applicant can give permission for another person or organisation to speak to the Department about their Application – this person is called a **Nominee**.

A Nominee needs to be 18 years of age or older, and can be a family member, community member, or a trusted organisation. A Nominee is different from a Legal Guardian or Administrator, or person who holds a Power of Attorney (see below).

Can an organisation be a Nominee?

Yes. A Nominee can be either a person or an organisation (for example, one of the support services named above).

If an Applicant chooses an organisation to be their Nominee, any person at that organisation can do what a Nominee can do. An Applicant can name a specific person at the organisation to be the main contact person, and the Department will communicate with that person unless they are not available or have left the organisation.

For an organisation to become a Nominee, the Supported Applicant Form needs to be signed by someone with the authority to sign documents on behalf of the organisation.

Authorising a Nominee

To authorise a Nominee, an Applicant needs to fill out a **Supported Applicant Form** and send it to the Department. **Supported Applicant Forms** will be attached to Application Forms, or can be found by:

- downloading a copy from the website at:
- <https://www.wa.gov.au/organisation/department-of-the-premier-and-cabinet/stolen-generations-redress-scheme>; or
- contacting one of the Scheme support services; or
- an Applicant contacting the Department to ask for an Application Form to be sent to them.

What can a Nominee do?

A Nominee can:

- help to complete an Application Form – Applicants have to sign the Application Form themselves;
- talk to the Department about the Application Form, including:
- receiving information about the Application from the Department by phone, email, letters, etc;
- giving information to the Department about the Applicant and the Application; and
- asking the Department questions about the Application;
- send in the Application, once it is signed by the Applicant.

An Applicant can still contact the Department and receive information about their Application even if they have a Nominee.

What CAN'T a Nominee do?

A Nominee **cannot**:

- sign the Application Form for the Applicant;
- make decisions about the Application *on behalf of the Applicant* (for example, they cannot decide to withdraw the Application);
- receive any payment from the Scheme. If an Applicant is eligible for a payment, it will be made directly to the Applicant;
- ask or demand any money from the Applicant as payment for helping them.

What happens if something changes?

At any time, an Applicant can:

- remove a Nominee by telling the Department they do not want the person or organisation to be their Nominee anymore; and
- if an Applicant wants a new Nominee, they can fill out a new Supported Applicant Form and send it to the Department.

If a Nominee no longer can or wants to be a Nominee, they can stop at any time. They should tell both the Applicant and the Department.

A Nominee cannot act on behalf of an Applicant if:

- the Applicant no longer has the mental capacity to engage with the Scheme or make decisions about their Application;
- the Applicant passes away; or
- a Power of Attorney or Legal Guardian or Administrator is appointed to act on behalf of the Applicant.

If a Nominee becomes aware that the Applicant passes away or that a Power of Attorney, Legal Guardian or Administrator has been appointed for the Applicant, they are required to inform the Department straight away.

The Department may then contact the Applicant's Power of Attorney, Legal Guardian or Administrator, or Contact Person, depending on the circumstances.

Power of Attorney or Guardianship and Administration

If a person has been appointed as a Legal Guardian or Administrator, or holds a valid and applicable Power of Attorney to act on behalf of an Applicant, they may be able to act on the Applicant's behalf in relation to an Application including:

- making or withdrawing the Application;
- sharing and receiving information about the Application;
- making decisions about the Application; or
- receiving payments for the Scheme on behalf of the Applicant.

To do this, the person must fill out the Supported Applicant Form and provide the Department with evidence of the legal basis of their power to act on behalf of the Applicant.

The Department will only communicate with, and accept instructions from, a person holding a Power of Attorney or from a Legal Guardian or Administrator if it is satisfied that the legal arrangement is valid and current, and that its terms authorise the Power of Attorney or Legal Guardian or Administrator to act on behalf of the Applicant in relation to the Scheme. If an order has been made appointing a person to be the Legal Guardian or Administrator of an Applicant, the Department is required to comply with that order. `

The Power of Attorney, Legal Guardian or Administrator may also be able to access support services, including legal advice and financial counselling services available in relation to an Application.

PART II – APPLICATION PROCESS

Eligibility criteria

An Applicant may be eligible under the Scheme if they:

- are an Aboriginal and/or Torres Strait Islander person;
- were removed from their family before 1 July 1972;
- were under the age of 18 when they were removed;
- were removed in Western Australia;
- are a living person, or passed away on or after 27 May 2025; and
- have followed the process in the Guidelines to make an Application.

If an Applicant is not sure whether their experience is removal for the purposes of this Scheme, they can contact one of the Scheme support services or the Department.

An Applicant may still be eligible even if they have received a payment from another redress scheme or legal settlement, for example:

- National Redress Scheme for Institutional Child Sexual Abuse
- WA Stolen Wages Class Action Settlement
- Redress WA (2008).

Payments under the Scheme are “ex-gratia”, meaning the payment is made because the Government believes it is the right thing to do, not because it has a legal obligation. Ex gratia payments are discretionary, which mean the Government has the power to decide whether a person should receive payment.

Scheme Application Map

A summary of the Application process is attached as Schedule 2.

Who can make an Application?

A person can make an Application if they think they meet the eligibility criteria for the Scheme.

A Legal Guardian or Administrator, or a person holding a valid Power of Attorney, can apply on behalf of a person (for whom they are the Legal Guardian, Administrator or Power of Attorney) they think may be eligible.

An Application can still be made if a person is in prison or has previously been in prison.

If someone is not sure if they are eligible, they can contact one of the Scheme support services, or the Department.

If a person passed away on or after 27 May 2025 (the date the Scheme was announced), a family member or the Executor or Administrator of the person’s estate can apply on their behalf. **The person applying is not necessarily the person who will receive payment under the Scheme.**

No Application can be made for a person who passed away **before** 27 May 2025.

How to Apply (living Applicant)

(Please note information about how to apply on behalf of someone who passed away on or after 27 May 2025 is provided later in this Outline).

To apply for the Scheme, an Applicant needs to fill in an Application Form. This can be done by:

- downloading a copy from the website at:
- <https://www.wa.gov.au/organisation/department-of-the-premier-and-cabinet/stolen-generations-redress-scheme>
- contacting one of the Scheme support services; or
- emailing or calling the Department to ask for an Application Form to be sent
- Phone: (08) 6552 5050 9am-4:30pm Monday-Friday (excluding public holidays)
- Email: WASG@dpc.wa.gov.au

Applicants are requested to fill out as much of the Application Form as possible. However, it is not necessary to know or complete all the information in the Form. For example, if an Applicant does not know their exact date of birth, or does not have detailed information about their removal, the Department can progress the application based on the information provided, and can seek further information from records it has access to.

Identification documents

Applicants need to provide documents confirming their identity. This is so that the Department can make sure the person named on the Application is the same person who is making the Application. This will help to prevent fraudulent Applications. Nominees also need to provide an identity document for the same reasons.

Identification: An Applicant will need to attach a **copy of 2 types of identification**. At least one document must show the Applicant's date of birth. This can be a photocopy, a photo or a scanned document. Original documents should not be sent. Nominees will need to attach a copy of **1 type** of identification.

The copies do not need to be certified.

If an Applicant has changed their name, they will need to attach a document showing this.

An Applicant does not need to provide proof of Aboriginality to apply to the Scheme. However, if the Applicant does have proof, such as a certificate, the Department will accept it as one of their identity documents.

Acceptable forms of identification for Applicants include:

- Birth certificate
- Driver's licence or learner's permit (copies of both front and back)
- Proof of Age Card
- Health Care Card or other concession card (Veterans, Pensioner)
- Medicare Card
- Passport
- Bank statement
- Tax assessment
- Firearm or marine licence
- University or TAFE identification card
- Rental lease agreement
- Utility bill (gas, water, electricity, phone)
- Working with Children Check Card

Acceptable forms of identification for Nominees include:

- Birth certificate
- Driver's licence or learner's permit (copies of both front and back)
- Proof of Age Card
- Health Care Card or other concession card (Veterans, Pensioner)
- Medicare Card
- Passport

If an Applicant or Nominee is having trouble with their identity documents, they can contact the Department or one of the Scheme support services. The Department may approve alternative forms of identification in special circumstances.

The Department will not process an Application until an Applicant's identity has been verified.

Other supporting documents

The Application Form asks for information about a person's experience of removal. The Department recognises that providing this information may be difficult and support services are available to help an Applicant through this process. An Applicant is asked only to share information they are comfortable sharing. Subject to an Applicant's consent, the Department can search for records about the Applicant's removal.

Records: To assess each Application, the Department needs enough information to confirm that the Applicant meets the eligibility criteria.

An Applicant **does not need to provide copies of records of their removal** but can if they want to. These can help with the assessment of an Application if other information about an Applicant's removal cannot be found. The Department will ask for the Applicant's consent to search for records on their behalf.

The type of records that the Government researchers will look for in relation to an Application include:

- official government records;
- police records;
- church or mission records;
- documentary records including photos, news or magazine articles, oral histories, manuscripts or books.

These records may provide information that could assist in assessing an Application.

Bank details: To receive payment under the Scheme, an Applicant needs to provide a copy of a recent bank statement for the account they want to be paid into. This is to ensure any payments are deposited into the correct account and that the account is connected to the Applicant. This can be attached to an Application Form or can be provided later in the process. Applicants can cross out any information they do not want the Department to know – the details the Department needs to see are the Applicant's name, address, BSB, and account number.

For any attached documents, originals should not be sent.

Privacy, Information Sharing and Document Verification Service

The Applicant will be asked to respond to the following statements confirming their understanding of the Department's commitment to ensuring that all information is treated in accordance with all relevant privacy laws and applicable policies. No one else can respond on behalf of the Applicant (unless it is a validly appointed Power of Attorney, Legal Guardian or Administrator), even if they are given permission.

Privacy statement

The Scheme is administered by the Department of the Premier and Cabinet (Department).

The Department will need to collect, use, store and disclose the Applicant's personal information (including sensitive personal information) provided in the Application Form and from other sources, for the purposes of the WA Stolen Generations Scheme, including:

processing an Application

confirming an Applicant's identity, including through the Document Verification Service (DVS), and assessing their eligibility under the Scheme

- searching for and accessing records relevant to an Application
- providing support services, including through other organisations
- confirming bank details and making a payment, if an Application is successful
- developing and delivering a personal acknowledgement, if an Applicant chooses to have one
- administering, reporting on, and evaluating the Scheme (noting this will not include information that identifies an Applicant in any public reports).

For the above purposes, the Department may need to share information about the Applicant with agencies both within and outside of Western Australia and may also collect information from these agencies about the Applicant. These may be State, Territory or Commonwealth departments or agencies, organisations outside of government, or commercial businesses. One of these is the national DVS, managed by the Commonwealth. The Department will be using a third-party service known as a Gateway Service Provider to help verify identity. They are approved by the Commonwealth to access the DVS to confirm identity documents – Applicants can get more information about the DVS and how it works at www.idmatch.gov.au.

If an Applicant chooses to authorise a Nominee to collect and receive information on their behalf relating to their Application, the Department may also collect and share the Applicant's personal information from and with that person to progress the Application.

The Department acknowledges the sensitivity and confidentiality of this information, and will treat the information provided, and the information it collects about an Applicant in accordance with any obligations it has under the Privacy and Responsible Information Sharing Act 2024, as well as in accordance with the Privacy Position and any Privacy Policy in effect at the time. The current Privacy Position can be found at <https://www.wa.gov.au/organisation/department-of-the-premier-and-cabinet/stolen-generations-redress-scheme>. It sets out more information about how the Department collects, uses, stores and discloses personal information including how Applicants can access and seek correction of their information and what their rights are in relation to their information.

Consent to information sharing

The Department needs permission from the Applicant to search government records and other information on their behalf.

The Application Form asks Applicants to give their permission for other people and organisations to share information and records about them with the Department, and for the Department to share their information with other people and organisations.

The Department may search for information related to an Applicant's experience of removal held by State and Commonwealth agencies, or organisations outside of government, which may include government-funded, private sector and not-for-profit organisations (including community- controlled organisations, Churches or organisations that administered Missions or orphanages both within and outside of WA). This may include applications an Applicant may have made to the National Redress Scheme or in relation to a Stolen Wages Class Action Settlement.

The Department will securely hold any records or information it receives as part of these searches and will only use or share them for the purposes of the Scheme.

If an Applicant appoints a person to receive and collect information relating to their Application on their behalf (Nominee) they also consent to the Department sharing their personal information with their Nominee for the purposes of progressing and determining their Application.

The Department will ask the Applicant to sign their consent to show they agree with the Department doing the things described above, including in the Privacy Statement.

The Applicant does not need to provide their consent. However, if they do not, the Department may not be able to process their application or make payment. Information on how to make a complaint relating to the collection, use and disclosure of their personal information (including sensitive personal information) for the above purposes can be found in the Department's current Privacy Position at <https://www.wa.gov.au/organisation/department-of-the-premier-and-cabinet/stolen-generations-redress-scheme>.

Where the Applicant passes away during the Application process

If an Applicant passes away after having lodged an Application, the Application will continue to be processed.

The Application Form asks for details of a Contact Person in case the Department cannot get in touch with an Applicant. If an Applicant passes away, or is otherwise incapacitated or uncontactable, the Department will speak to their Contact Person about what happens next.

The information below explains how the payment will be made if an Application is found eligible.

Nominating a Beneficiary in the Application Form

In the Application Form, an Applicant can nominate a person to receive their payment if they pass away before their Application is finalised. This person is called a **Beneficiary**.

An Applicant can nominate a Beneficiary even if they have a Will.

In the event of the death of an Applicant who is found eligible, the payment would be made to the Beneficiary.

There is an option to nominate more than one Beneficiary.

IMPORTANT: If there is more than one Beneficiary nominated, the total share of payments to each Beneficiary **must add up to exactly \$85,000**. If the payments do not add up the Government will exercise its discretion regarding the allocation of payments to each Beneficiary. This may delay the distribution of payments.

Providing details of a Will (if the Applicant has one)

The Application Form asks the Applicant to provide details of their Will, if they have one.

If an Applicant has not nominated a Beneficiary, payment will be made to the Applicant's estate, to be distributed in accordance with the Applicant's will, if a valid Will exists, or in accordance with the *Administration Act 1903 (WA)* if there is no will.

If an Applicant wants advice on this, they can contact the Department for information on accessing free advice and assistance.

Submitting an Application

Once an Applicant has completed as much of the Application Form as they can, it needs to be sent to the Department.

Applicants are asked to check that they have:

- Signed the Application Form;
- Attached copies of their identification documents;
- Attached a copy of their bank statement if they have one; and
- (Optional) Attached any additional documents or information they want to provide

Applicants are asked to keep a copy of their Application Form for their own reference. If Applicants are unable to make a copy of their Application Form, they can contact the Department to arrange for a copy to be sent back to them.

The Application can be returned by:

Email: WASG@dpc.wa.gov.au

or

Post: Reply Paid

Stolen Generations Redress Scheme

Dept of the Premier and Cabinet

Reply Paid 84912

WEST PERTH WA 6872

Confirmation of Application

The Department will confirm that it has received the Application Form. The Department may also contact the Applicant regarding the information in the Application Form.

PART III - Applying on behalf of a deceased person

Sensitivity Warning

In this document a person who has passed away will be referred to as the 'Deceased Applicant'.

The Department acknowledges there may be cultural sensitivities in saying, writing, or hearing the name of someone who has passed away. There are Support Services that can help with the Application.

Alternatively, please contact the Department on (08) 6552 5050 or WASG@dpc.wa.gov.au

Applying to this Scheme on behalf of someone who has passed away may bring up difficult memories and feelings. There is immediate 24-hour support help is needed.

- 13YARN 13 92 76
- Lifeline 13 11 14
- Beyond Blue 1300 224 636
- Suicide Call Back Service 1300 659 467

If someone is in immediate danger, please call 000.

Who can apply on behalf of a Deceased Applicant?

An Application can be made on behalf of a person who passed away on or after 27 May 2025, the date the Scheme was announced (Deceased Applicant), by someone who is over 18 and is:

- the Executor or Administrator of the Deceased Applicant's estate; or
- a Family Member of a Deceased Applicant
- Family Members who can apply on behalf of a Deceased Applicant are:
 - current spouse/partner; or
 - immediate relative (i.e. parent, child, grandchild or sibling)
- A Family Member who applies on behalf of a Deceased Applicant will be called a **Family Member Applicant**.

IMPORTANT: The person applying is not necessarily the person who will receive payment if the Application is successful. The money will be paid to the estate of the deceased person.

Where an Executor or Administrator makes an application on behalf of a Deceased Applicant, they will be the main point of contact even if other Applications have been made by Family Member Applicants. The Department may still contact a Family Member Applicant to confirm information in relation to the Deceased Applicant.

Any information included within an Application made on behalf of a Deceased Applicant by persons who are not the Executor or Administrator of the Deceased Applicant's estate will still be considered when assessing the eligibility of a Deceased Applicant under this Scheme.

Eligibility

To meet the Scheme's eligibility criteria, the Deceased Applicant must have been:

- an Aboriginal and/or Torres Strait Islander person;
- removed from their family before 1 July 1972;
- in Western Australia at the time they were removed;
- younger than 18 years old when they were removed;

And

- passed away on or after 27 May 2025, the day the Scheme was announced.

If an Executor, Administrator or Family Member Applicant is not sure whether to apply on behalf of a Deceased Applicant, they may contact a Scheme support service or the Department.

How to Apply on behalf of a Deceased Applicant

A separate Form called a **Deceased Applicant Form** can be filled out and submitted by the Executor, Administrator or a Family Member Applicant. This form can be obtained on request to the Department.

Support Services

The support services listed referred to earlier are also available to assist Executors, Administrators and Family Member Applicants with these applications. Contact details are also below.

Supporting documentation

Information about the Executor, Administrator or Family Member Applicant

Estate information: If the Applicant is the Executor or Administrator of the Deceased Applicant's estate they will need to provide a certified copy of any grant of probate or letters of administration to prove they are the right person to represent the Deceased Applicant's estate. They also need to provide a copy of at least 1 type of ID from the list below so the Department can check their identity.

Family Member Applicant identification: If the Applicant is a Family Member, the Department needs to know who they are to ensure that it is communicating with the right person. They need to provide a copy of at least 1 type of ID from the list below so the Department can check their identity.

- Birth certificate
- Driver's licence or learner's permit (copies of both front and back)
- Proof of Age Card
- Health Care Card or other concession card (Veterans, Pensioner, etc.)
- Medicare Card
- Passport

If an Executor, Administrator, or Family Member has trouble with their identity documents, they can contact the Department or one of the Scheme support services. The Department may approve alternative forms of identification in special circumstances.

Information about the Deceased Applicant

The Department needs certain information about the Deceased Applicant in order to assess their eligibility.

Death Certificate: The Department needs a copy of the death certificate to confirm when the Deceased Applicant passed away. The Application can be submitted without a death certificate, and the Department can help verify the date of death later. The Application cannot be finalised until the Department has received a copy of the death certificate.

Wills/Probate: If the Deceased Applicant had a Will, the Department needs a copy of it and also a certified copy of any grant of probate or letters of administration.

Records: Records about the Deceased Applicant's removal do not need to be submitted to make an Application. The Department has access to historical records and can check these for information about the Deceased Applicant. If there is information about the removal of the Deceased Applicant that can be shared with the Department, **copies** of these can be attached to the Application when it is sent in. **Original documents should not be sent.**

PART IV - How Applications will be processed

The Department will try to process Applications as quickly as possible. In the majority of cases the aim is to assess and make a decision within 3-4 months of an Application being made.

The application processing time may be shorter than this, or could be longer – especially if there is a large number of Applications to process, or if an Applicant's records are difficult to find.

Prioritisation

The Department intends to prioritise some Applications based on urgency, for example people with serious health problems. The Application Form provides space to give a reason why an Application should be prioritised.

Department review of Application

The Department will review each Application Form to ensure that it has all the necessary information and will contact the Applicant if it needs more information or documentation.

For example, in order to proceed with an Application the Department needs to confirm:

- that **two** forms of identification (*at least one needs to show the Applicant's date of birth*) have been received and verified;
- name change documentation (if an Applicant has legally changed their name);
- the Applicant has filled out as much information as possible in the Application Form;
- any documents about the Applicant's removal (**these are optional**);
- the Applicant has signed the Application Form (which includes their Declaration and Consents, and the Supported Applicant Form if they are authorising a Nominee or are the Legal Guardian, Administrator or Power of Attorney of an Applicant);
- Supported Applicant Form and identification (if the Applicant is appointing a Nominee or if a person is making an Application on behalf of someone as a legal Guardian, Administrator or Power of Attorney).

The Department may contact an Applicant or their Nominee if additional information is required.

If the Applicant has provided consent for the Department to search for their personal information including records about their removal the next section describes how this is done.

How the Department will search for records

Aboriginal History Western Australia

Aboriginal History Western Australia (AHWA) within the Department of Creative Industries, Tourism and Sport (DCITS) will provide specialist assistance in researching information to support Applications.

Records from other sources

Where information on the Applicant cannot be located, or there is ambiguity or apparent contradiction, further research may be conducted including:

A request from the Department for supplementary information from the Applicant;

If consent has been provided, information may be sought from other Schemes including Redress WA or the Stolen Wages Class Action Settlement;

Subject to an Applicant's consent, further assistance may be sought from Scheme support services or other government or non-government organisations that may hold records relevant to the Application.

Assessing an Application

Applications and supporting information will be assessed by an Independent Assessor to determine whether they consider there is **credible** material to support a determination that the following facts are **plausible**; namely that the Applicant:

- is an Aboriginal or Torres Strait Islander person;
- was removed from their family;
- was aged under 18 when they were removed; and
- was living in Western Australia immediately prior to being removed.

Assessments of Applications will be based on the information in an Application, including any additional information or documents provided. Any other available information will also be considered, including:

- any archival records that Government agencies hold about the Applicant or their family;
- information about any application the Applicant may have made to the National Redress Scheme, Stolen Wages Class Action Settlement, or Redress WA (2008); or
- any other information that may be relevant to the Application.

What is an Independent Assessor?

The role of Independent Assessors will be to review each Application referred by the Department, consider all of the available information about the Application and make a determination on whether they consider that an Applicant meets the Eligibility Criteria. The determination of the Independent Assessor will inform a payment decision by the Department.

A Panel of Independent Assessors will be appointed by the Department (informed by recommendations from the Working Group) and consist of a majority of Aboriginal and/or Torres Strait Islander Members representing diverse geographies and cultures from across Western Australia, including diversity of gender, skills and experience.

Department decision

Informed by the determination of the Independent Assessor, the Department will make a decision that an Applicant is either eligible or not eligible for payment under the Scheme.

The Department has discretion not to follow the determination of an Independent Assessor.

The Department will advise the Applicant in writing of the decision.

PART V – RECEIVING A PAYMENT

Payments for Eligible Applicants

If an Applicant is eligible for a payment

An ex-gratia payment of \$85,000 will be made in respect of each eligible Application. “Ex gratia” means the payment is made because the Government believes it is the right thing to do, not because it has a legal obligation.

Ex gratia payments are discretionary. There is no automatic entitlement to a payment under the Scheme even if an Applicant meets all the eligibility criteria. The Minister retains full discretion in relation to the making of payments under the Scheme.

Where the Department has a reasonable belief that an Application has been affected by fraud, the Department reserves the right to make no payment and to refer the matter to appropriate authorities.

Only one payment is to be made in respect of each eligible Applicant. The amount of the payment is fixed and is not subject to review.

Confirming an Applicant’s bank details

Before making the payment, the Department will need to confirm the Applicant’s bank account information. This may involve the Department contacting the Applicant personally or another organisation might contact the Applicant on behalf of the Department. The Department will provide an eligible Applicant with the details of the relevant organisation that may contact them.

If the Applicant has not already provided a copy of a recent bank statement with their Application, they will be asked for this so the Department can confirm that the details are correct. If an Applicant is overseas and is using an overseas bank account, they will be contacted by the Department for confirmation.

Any requests to update the Applicant bank account details after the lodgement of the initial Application will require a signed form to be completed and returned to the Department. This is important to stop other people trying to take an Applicant’s money dishonestly.

Acceptance Form

Before receiving a payment the Applicant will need to sign an Acceptance Form. By signing the Acceptance Form the Applicant will be releasing the State from any future civil liability in relation to their removal.

An Applicant will have access to independent legal advice prior to signing the Acceptance Form if they would like it.

Managing payments

Financial counselling

Applicants can get free support services to help them to manage their money, including:

- a) Setting up a bank account
- b) Putting aside money for funerals
- c) Thinking about how to stop people humbugging them.

The Department strongly advises Applicants to speak to a financial counsellor before they receive their payment.

The Department can provide more information about the **free financial counselling** services available.

Tax liability and government benefits

The Government is taking steps to identify any impact that payments under the Scheme may have on the recipient's income tax position or other Government benefits. However, depending on a person's personal circumstances, the impacts can be complex. The Government recommends independent financial counselling in the first instance. There is general information below.

Income tax

Redress scheme payments are generally exempt from income tax. The WA Government is currently seeking confirmation from the ATO that payments under this Scheme will not be treated as taxable income.

Social security benefits

The Department of Social Services (Cth) have advised that the Scheme's redress payments should not count as income under the social security income test. This means that the payments should not impact any social security income support payments an Applicant may be receiving or entitled to.

It is important for the Applicant to contact Centrelink to let them know about the payment, and to tell them it is a lump-sum redress payment under the Scheme.

NOTE: Any on-going income generated by the lump sum will be counted under the income test, and any assessable asset produced from the lump sum will be counted under the social security assets test. For example, once the lump sum is invested or used to purchase goods or services, the usual income and assets rules will apply.

NOTE: The income test exemption applies to income support payments only. It does not apply to Family Tax Benefit, which is means tested based on annual adjusted taxable income. If the Scheme's redress payments are regarded as taxable income, they will be counted under the Family Tax Benefit means test. If the payments are not taxable income, they will not be counted under the Family Tax Benefit means test. As stated earlier, the Government is taking steps to confirm that the payment is not considered taxable income.

Commonwealth Rental Assistance

If Commonwealth Rent Assistance is paid as part of a person's social security income support payment, the above income test exemption would apply and the Scheme's redress payment would not count as income under the social security income test.

However, if Commonwealth Rent Assistance is paid as part of a person's Family Tax Benefit, the above income test exemption would not apply because the income test exemption applies to income support payments only. It does not apply to the Family Tax Benefit, which is means tested based on annual adjusted taxable income. If the Scheme's redress payment is considered taxable income, it will be counted under the Family Tax Benefit means test. If the payment is not taxable income, it will not be counted under the Family Tax Benefit means test. As stated earlier, the Government is taking steps to confirm that the payment is not considered taxable income.

Veterans Affairs

Advice from the Department of Veterans Affairs indicates the Scheme's redress payments should not be counted as income under the veterans' entitlements income test.

Aged Care entitlements

Advice from the Department of Health, Disability and Ageing indicates that, under aged care legislation, the payments will be exempt from all aged care income tests.

NOTE: The payments will be relevant when assessing aged care assets tests, both for Residential Aged Care and Home Support Packages.

Payment into bank account

Once an Applicant's bank account details are confirmed, and they have signed the Acceptance Form, a payment will be made into the Applicant's nominated bank account within 10 working days.

Personal acknowledgement

A Personal Acknowledgement is an opportunity for the Applicant to receive a formal acknowledgement of their experiences of removal, from the Government.

If the Application is successful, an Applicant will be offered a Personal Acknowledgement from a senior Government representative.

Options for a personal acknowledgement include:

- a written acknowledgment
- an in-person acknowledgment delivered by senior government representatives
- a group acknowledgment.

An Applicant will not be expected to incur any costs by participating in a Personal Acknowledgement. The process will be coordinated by the Department.

Further information on Personal Acknowledgements will be provided once an Applicant is notified of their eligibility under the Scheme.

If an Applicant is found ineligible for a payment

Notification

If an Applicant is found to be ineligible for a payment under the Scheme, the Department will notify them of the decision. The notification will explain why the Application was not successful.

Review

If the Applicant does not agree with the decision, they can contact the Department to request a Review.

An application for a Review must be made within 3 months of the Applicant being notified of the decision. An Applicant needs to contact the Department who will provide them a Review Application Form.

The Applicant does not have to provide any additional information in the Review Application Form but can if they want to. Any additional information the Applicant provides will be considered as part of the Decision Review. The Applicant will need to complete and submit the Review Application Form to the Department.

How is a Review conducted?

Where an Application has been unsuccessful and the Applicant has requested a Decision Review, the Department may refer the Application to one or more Independent Assessors for review (Review Group).

An Independent Assessor cannot participate in the Decision Review of an Application if they have previously made a finding in relation to that Application.

The Review Group will carry out a complete review of:

- all the information that was previously provided as part of the Application, including the Application Form;
- any records or information that were used in the original assessment, including the results of archival research;
- any new information provided by the Applicant or otherwise obtained by the Department.

The Review Group will have regard to the above material and make a new determination.

If the Review Group finds that the Applicant is eligible, this finding will replace the original decision.

If the Review Group finds that the Application is ineligible, the decision will stand.

Decision Review outcome is final

The outcome of a Decision Review is final. Only one application for a Decision Review can be made.

Complaints

Any complaints about the implementation of the Scheme will be managed in accordance with the Department's applicable policies and procedures. The Department can be contacted for further information:

Phone: (08) 6552 5050 9am-4:30pm Monday-Friday (excluding public holidays).

Email: WASG@dpc.wa.gov.au

Schedules

Schedule 1 – Independent Assessor Terms of Reference

Schedule 2 - Application Process Map

Definitions

Acceptance Form: a document an Eligible Applicant needs to sign before they can receive a Payment. By signing the Acceptance Form the Eligible Applicant will be releasing the State from any future civil liability in relation to their removal.

Administration Act 1903 (WA) governs the rights of inheritance of property. It provides a regime for the orderly winding up of a deceased person's affairs and the administration of his or her property in the interests of creditors and beneficiaries.

Administrator is someone appointed by the State Administrative Tribunal to make financial and legal decisions of a financial or estate nature in the best interests of someone not capable of making those decisions for themselves.

Applicant means someone who applies to the Scheme. This may include:

- an Applicant who applies for themselves in relation to their own experience of removal;
- a person who applies on behalf of a deceased family member;
- a person on behalf of whom an application is made by a Legal Guardian, or Administrator or someone who has a valid Power of Attorney;

Application includes the Application Form, and the Deceased Applicant Form. See **Application Form**.

Application Form or Form is what a person fills in and sends to the Department if they want to apply to the Scheme. A person can get an Application Form by downloading one from the website, contacting a Support Service, or contacting the Department to have one sent to them.

Application Process Map is a simple outline of the Application Process and is accessible on the website.

ATO means the Australian Taxation Office. The ATO is the principal revenue collection agency of the Australian Government.

Beneficiary for the purposes of the Scheme is someone nominated by an Applicant to receive the Applicant's payment (or a share of their payment if there are multiple nominated Beneficiaries), if the Applicant passes away before their Application is finalised.

Claim Farming or Claims Harvesting is when someone contacts, solicits or attempts to pressure a person (such as an Applicant or potential Applicant) into making some type of claim for their own financial gain.

Closing Date is the last day on which an application can be submitted. The closing date is 31 October 2028 or such date as may otherwise be determined by the Department.

Contact Person is a person named in the Application Form that the Department can contact if they cannot reach the Applicant, or if the Applicant passes away during the Application Process.

Deceased Applicant is someone who may be eligible for the Scheme, but passed away on or after the 27 May 2025, the date the Scheme was announced. An Application can be made on their behalf by a Family Member or the Executor or Administrator of their estate.

Deceased Applicant Form is the form that a Family Member, Executor or Administrator of a Deceased Applicant's estate, can use to apply for the Scheme on behalf of a Deceased Applicant.

Decision means the Department's decision on whether an Applicant is eligible or not eligible for a payment under the Scheme. The decision is discretionary due to the ex-gratia nature of the payments.

Decision Review is where an Applicant requests a review of a Decision if they are found to be ineligible for a Payment under the Scheme. An Applicant must make an application for a Decision Review within 3 months of being notified of the outcome of their Application. Only one Decision Review can be made for each Applicant, and the outcome of a Decision Review is final.

Declaration and Consents refers to the parts of the Application Form, Supported Applicant Form, and Deceased Applicant Form which are signed by the relevant person to confirm their understanding of the Department's privacy and information sharing policies and commitments and consent to the Department taking certain actions in relation to their Application.

Department means the Department of the Premier and Cabinet, who is administering the Scheme.

Determination is a statement made by an Independent Assessor about whether they consider, to the relevant standard, that the Application meets the eligibility requirements of the Scheme.

Document Verification Service is administered by the Commonwealth Government, and enables the user to check whether the biographic information on a person's identity document matches their original record.

Eligibility Criteria for the purposes of this Scheme means the criteria a person must meet to be eligible under the Scheme, namely that the person:

- is an Aboriginal and/or Torres Strait Islander person;
- was removed as a child (under 18 years old) from their family before 1 July 1972;
- was in Western Australia at the time they were removed;
- is alive, or else passed away on or after 27 May 2025.

Eligible Applicant is someone who has applied to the Scheme, or on whose behalf an Application has been made, and who is found to meet the Eligibility Criteria.

Ex Gratia means a payment made because the Government believes it is the right thing to do, not because it has a legal obligation. Ex gratia payments are discretionary. There is no automatic entitlement to a payment under the Scheme even if an Applicant meets all the eligibility criteria. The Minister retains full discretion in relation to payments under the Scheme.

Executor is the person named in a Will to carry out the wishes of a person after they die. They organise and collect the assets of the deceased, pay the debts and distribute the property as set out in the deceased's will.

Family Member means a person who can apply on behalf of a Deceased Applicant, and means a current spouse/partner, or immediate relative, such as a parent, child, grandchild or sibling.

Family Member Applicant means a Family Member who completes and submits an Application on behalf of a Deceased Applicant.

Support Services are free services who are available to give practical and emotional support to Applicants during the Application process. This could include helping fill out the Application Form and answering questions about the process.

Grant of Probate is what a court grants to someone when a person has died and nominated an Executor in their Will.

Guidelines mean the document entitled 'Scheme Guidelines: How to make an Application'. Its purpose is to explain the main aspects of the Scheme to Applicants or people assisting Applicants.

Independent Assessors are the people appointed to review Applications and make a determination on whether an Applicant meets the Scheme's eligibility criteria.

Legal Guardian is a person appointed by the State Administrative Tribunal to make lifestyle decisions for a person with a decision-making disability under the authority of the *Guardianship and Administration Act 1990* (WA).

Letters of Administration are granted by a Court to an appropriate person when someone has died without a valid will.

National Redress Scheme for Institutional Child Sexual Abuse a scheme for people who experienced child sexual abuse while in an institution.

Nominee is someone an Applicant authorises to communicate with the Department on their behalf, by submitting a Supported Applicant Form. An organisation, or a person over 18 can be a Nominee.

Opening Date is the date on which the Government announced the Scheme is open.

Outline refers to this document, the Scheme Outline, which sets out detailed legal, governance and procedural matters about the Scheme.

Panel refers to the Independent Assessors appointed to make determinations about whether Applications meet the Eligibility Criteria.

Payment means an \$85,000 ex gratia payment made under the Scheme to an applicant who is found eligible under the Scheme.

Personal Acknowledgement means an acknowledgement of the experiences of removal of an Applicant. It is something an Applicant can choose to have if they are found eligible and is delivered by a senior government representative.

Power of Attorney is a person or agency appointed to make financial and/or property decisions on behalf of a person.

Privacy Laws mean the *Information Commissioner Act 2024* (WA) and the *Privacy and Responsible Information Sharing Act 2024* (WA) which received Royal Assent on 6 December 2024.

Records include official government records, police records, church or mission records, and documentary records including photos, news or magazine articles, oral histories, manuscripts or books. These may be used to support or confirm information in an Application.

Redress WA (2008) was a scheme established by the Government of Western Australia to acknowledge and apologise to adults who, as children, were abused and/or neglected while they were in the care of the state. It ran from 2008 to 31 December 2011.

Review Application Form the form a person must complete and submit if they would like a Decision Review.

Review Group two or more Panel members who will conduct a Decision Review when requested. The Review Group will comprise different Panel members than those who made the original Determination.

Scheme means the Western Australian Stolen Generations Redress Scheme.

State means the State of Western Australia.

Scheme Support Services are free services who are available to give practical and emotional support to Applicants during the Application process. This could include helping fill out the Application Form and answering questions about the process.

Supported Applicant Form is filled out by an Applicant to authorise a Nominee to help them with their Application including being able to communicate with the Department about an Application, or completed by a Guardian, Administrator, or person acting under a Power of Attorney.

Term means the length of time the Scheme is open for, from the Opening Date until the Closing Date.

WA Stolen Wages Class Action Settlement means the settlement agreement reached in October 2024 supporting Aboriginal and Torres Strait Islander people who worked in Western Australia for little or no wages between 1936 and 1972.

Will is a legal document that describes how a person wishes for their assets to be distributed upon their death.

Working Group is the group established to work together to design, develop and oversee the implementation of the Scheme and includes representatives from key Aboriginal organisations, the Department, and Ministerial Officers.

WA Stolen Generations Redress Scheme (WASGRS) Independent Assessment Panel: Terms of Reference

Background

The Department of Premier and Cabinet (the Department) is establishing an Independent Assessment Panel (Panel) to support the administration of the WA Stolen Generations Redress Scheme (Scheme).

The establishment of the Panel is consistent with the recommendation from the *Bringing Them Home Report* that monetary redress schemes for the Stolen Generations should have “Independent decision-making which should include the participation of Indigenous decision-makers”.

Functions of the Panel

The Panel will perform the following functions:

- For each application referred by the Department, consider all of the available information about the applicant and make a determination on whether they meet the Eligibility Criteria. The determination of the Panel will form the basis of a final decision by the Department delegate.
- For unsuccessful applications where the applicant has sought internal review and the Department has referred to the Panel, re-consider the information to determine whether the applicant meets the Eligibility Criteria.

The Panel will perform its functions in accordance with the *WA Stolen Generations Redress Scheme Outline*.

An outline of the Scheme process is attached.

Eligibility to be appointed as a Panel Member

A person is eligible to be appointed as a Panel Member if the person has a thorough understanding of Stolen Generations history, and experience in one or more of the following:

- decision-making on complex matters
- knowledge of the cultural and historical context of one or more regions of Western Australia
- community services
- public policy or administration
- advocacy
- law

Appointment of Panel

- Appointments of the Panel Members will be made by the Department, via the relevant accountable authority, informed by recommendations from the WASGRS Working Group.
 - The Department will seek to:
 - appoint a majority of Aboriginal and/or Torres Strait Islander people; and
 - ensure appropriate diversity of gender, geographical and cultural representation from across Western Australia, skills and experience.
- The Independent Assessment Panel will be made up of 10 Panel Members at any one time.
- Panel Members must complete and maintain a Declaration of Private Interests and manage, to the Department's satisfaction, any conflict of interests in a manner agreed with the Department.
- Conflict of interest extends to acting as a nominee for an applicant, or working for an organisation providing support services to an applicant in relation to the Scheme.
- Panel Members must comply with the Code of Conduct for the Department.
- If a Panel Member resigns or is temporarily unable to fill their duties, the Department may appoint a person to fill the vacancy for the remainder of their term or until they resume their duties.

Assessment Groups and Review Groups

- The Department may refer applications either to individual panel members or to an Assessment Group.
- An Assessment Group will comprise two or more Panel members as selected by the Department, and the Department will consult with the members to arrange the time, place and manner of meeting.
- Where an application is found to be ineligible, and the applicant has requested an internal view, the Department may refer the application to a Review Group.
- A Review Group will comprise two or more Panel members as selected by the Department, and the Department will consult with the members to arrange the time, place and manner of meeting.
- The Department will provide a list of applicants proposed for referral to an Assessment Group or Review Group and request each member to identify any potential conflicts of interest.
- A Conflict of Interest occurs when a Panel Member has a potential, real or perceived interest, duty or relationship that may compromise their duty, judgment, action or otherwise undermine public confidence in the fairness and integrity of the Scheme.
- Conflicts of interest must be declared to the Department with management strategies; if they cannot be managed, a Panel member will recuse themselves from the panel, in which case:
 - the remaining members of the Group may elect to continue reviewing the application and make a determination; or
 - the application may be re-allocated to a differently constituted Group.
- A Panel member cannot participate in the internal review of an application if they have previously made a finding in relation to that application.

Making a determination

- In case of disagreement between members of an Assessment Group or Review Group in relation to an application:
 - (a) the determination of the application can be made by majority; or

- (b) the Group may request to refer the application to a differently constituted Group (including an expansion of the initial Group).
- Members of an Assessment Group or Review Group may request clarification of legal, interpretational, evidentiary, or policy questions from the Department.
- In responding to such requests, the Department may seek advice from the WA Stolen Generations Working Group (without disclosing identifying details of the particular application).

Confidentiality

- Materials and information provided to Panel members in the course of carrying out their functions must be treated as confidential.
- Members must not share information about applicants or applications with other Members who have not been assigned to that application; this ensures there will be Members capable of conducting an internal review at a later date.
- Where an Assessment or Review Group, or a Panel member reviewing an application individually, considers it is appropriate to communicate with another person about an application (for example an expert in a particular field, or the holder of certain records), the Group or member must seek approval from the Department in advance.

Review of Panel operations

- The Department will periodically review the operations of the Panel, including these terms of reference, in consultation with Panel members and the WA Stolen Generations Redress Scheme Working Group.

WA STOLEN GENERATIONS REDRESS SCHEME – PROCESS SUMMARY

