

Our Ref: ZV:LS:20580

5th October 2016

Joshua Creamer
jcreamer@qldbar.asn.au

Dear Joshua,

RE: STOLEN WAGES CLASS ACTION

Thank you for your recent interest in the Stolen Wages Class Action, which has now been commenced in the Federal Court.

From the 1890's to the early 1970's Indigenous people in Queensland were not paid their own wages for their work. Instead, their wages were paid to the Queensland Government under various "Protection Acts". Our team have been working to build a case to take the Queensland Government to court on behalf of all those Aboriginal and Torres Strait Islanders who had wages withheld and controlled by the Queensland Government. We think workers and their families should be paid back what is owing in today's dollars.

You can talk to us even if you have already received a payment under the Government Reparations Scheme for Stolen Wages. The Stolen Wages Class Action is completely separate from the Government's Reparations Scheme.

You do not have to pay anything up front.

The Stolen Wages Class Action is funded by a "litigation funder". The litigation funder only receives payment if the claim is successful. We can provide you with more information on the litigation funder, if you wish to join the Stolen Wages Class Action.

Commencement of the Stolen Wages Class Action

On Monday 12 September 2016, the Stolen Wages Class Action was commenced in the Brisbane Registry of the Federal Court of Australia. Mr Hans Pearson of Townsville is the named applicant representing those people who are referred to in the court documents as "group members" to which the claim relates.

"Group members" of the Stolen Wages Class Action

The Stolen Wages Class Action sets out the characteristics of "group members," including that such a person had their wages withheld by the State of Queensland. As things stand, a "group member" is also a person who, at the date of filing the court documents commencing the Stolen Wages Class Action, had entered into an agreement with the litigation funder. However, subject to the Court's approval, it is expected that in due course "group members" will be expanded to include those who have subsequently indicated that they wish to join the Stolen Wages Class Action, at least up to the point at which the Court's approval to extend the definition of "group members" is sought. For

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this reason, we continue to accept Particulars of Claim from those people who otherwise fall within the definition of "group member" and therefore may, subject to the Court's approval, become "group members" in the future.

Claimants who have died

At present, the Stolen Wages Class Action takes account of a person who would otherwise have fallen within the definition of "group member" but who has died (in other words, an Aboriginal or Torres Strait Islander who had their wages paid to the State, but who has died). In these circumstances, a "group member" includes the executor, administrator or beneficiary of that deceased person's estate who has the capacity to claim on behalf of the deceased's estate.

There are difficult legal issues involved with respect to claims that may be brought on behalf of a deceased estate. The proper person who would normally bring a claim on behalf of a deceased estate is the personal representative of the estate. In the Stolen Wages Class Action, only the representative party (Mr Pearson) is a party to the proceeding, so it is not at this point necessary to determine, for each deceased estate, who the personal representative is or should be. Furthermore, it is the beneficiaries of an estate or (under the intestacy rules) the next of kin who would ordinarily share in any property of a deceased estate.

Whether it will ultimately be necessary to determine or appoint a personal representative for each deceased estate, or identify the beneficiaries or next of kin, will depend upon the attitude of the Court and possibly also upon the attitude of the State of Queensland as respondent to the Stolen Wages Class Action.

A person will frequently be aware that one or both of their parents had their wages paid to the State. We encourage one (only) of the children of those parents to submit a Particulars of Claim form in respect of that parent's estate. As noted above, the inclusion of the parent's estate in the Stolen Wages Class Action depends upon the Court giving its approval to a revised definition of "group member."

Particulars of Claim form

Please find enclosed a Particulars of Claim form. Please fill out the details of the worker and work history – the more detail you give us, the easier it will be to establish a claim. The relevant years are 1939 to 1973.

Do not worry if you don't have all the information – but what we do need is the following information relating to you or, where claiming on behalf of a deceased estate, relating to the deceased person:

- Full name, date of birth, street and postal addresses.
- Places of work (for all jobs up to 1973).
- Name of person or entity worked for (for all jobs up to 1973).
- The year(s) in which the work took place (for all jobs up to 1973).
- How old you or the deceased person was when the work started and finished (for all jobs up to 1973).

We will contact you when we are in your area to sign the rest of the required documents, but in the meantime please feel free to telephone us on (07) 4051 5388 or send the form back to ensure that you have the correct information prior to our community visit.

Yours faithfully,



BOTTOMS ENGLISH LAWYERS

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