



Aboriginal Trust Fund Repayment Scheme

I N F O R M A T I O N S H E E T

In December 2004 the NSW Government set up an Aboriginal Trust Fund Repayment (ATFR) Scheme to pay back money owed to Aboriginal people whose money was put into Trust Funds operated by the Aborigines Protection Board and later the Aborigines Welfare Board, between 1900 and 1969 and not repaid.

Money was deducted from some Aboriginal people's pensions, family endowment payments, apprentice wages, inheritances and lump sum compensation payments. Other kinds of deductions may also have been made. Sometimes this happened without peoples' consent or knowledge.

The ATFR Scheme will make payments based on evidence that money had been paid into the Trust Funds and never paid back.

Who will receive the payments?

The ATFR Scheme will repay Aboriginal people who had money placed into the Trust Funds or their descendants based on evidence that money was never repaid.

Priority will be given to processing claims for people who had Trust Fund Accounts who are still living, especially elderly claimants or cases of extreme hardship.

What kind of payments will be made to people?

When verification of a person's claim establishes that they are owed money, they will be paid the full amount owed together with interest.

Are there different types of claimants?

The ATFR Scheme will make payments to two different categories of claimants.

- 1 People who had Trust Fund Accounts themselves - these claims are called **Direct Claims**
- 2 Relatives of those Aboriginal people who were Trust Fund account holders, but who have since passed away. These claims are called **Descendant Claims**.

Can I put in a claim for myself and a claim deceased family members?

You can put in a claim for yourself if you believe you had money in the Trust Funds before 1969 that was never repaid. You can also put in a Descendant Claim for

deceased family members if you believe they may have had money in a Trust Fund Account that was not paid back to them.

If you believe a number of your deceased family members may be owed money from their Trust Fund Accounts, you will need to put in a separate Descendant Claim for each one of your deceased family members.

For example if you are claiming for your grandmother, your grandfather and your aunt, you will need to put in a Descendant Claim for each person.

What will happen once I put in a claim?

The Scheme is designed to have clear ways of dealing with claims and will work with claimants as much as possible to try to make the process as easy as possible. There will be four phases that claims will go through:

1 Registration

People will fill in an ATFRS claim form. Once the claim is received it will be registered and given a priority where appropriate.

2 Search of the Records

Once registered, all claims will be sent to the Department of Aboriginal Affairs and State Records, where designated staff will search all available historical records and return the claim documentation, along with copies of all documents found to the ATFR Scheme.

3 Determination of Claims

The Scheme will review the results of the record search, make a determination and inform you of the claim's success or otherwise. Wherever possible this will be done face to face. If you do not agree with the outcome and you have further material you would like considered, you can have the claim referred to the ATFRS Panel for review and decision.

4 Counselling

The Scheme will provide funds for non-government organisation counselling and assistance to people making claims should they need it, in acknowledgment that even making a claim may bring up unpleasant memories for some people. Evidence and costs

Evidence and Costs

Once a claim is received, the ATFR Scheme will search the available records for evidence that money was placed into Trust Funds and never repaid.

There will be no cost to claimants for lodging an ATFR Scheme claim or for having the records searched.

How will the privacy of the records be protected?

Many of the original records contain information on a number of people.

The ATFR Scheme will obtain your permission on its claim form to allow authorised officers of the Department of Aboriginal Affairs and NSW State Records to search the records.

We will put all information found in the record searches about you or your relative(s) on a special file and handle these files in a way which maintains privacy. This way no one will have access to information about other people.

If any original documents such as legal documents, letters or receipts which relate to you or your relative(s) are discovered during the search, copies of these documents will be given to you directly should you wish to see them.

If you want a free copy of the results of the record searches you can indicate this when you fill out the ATFR Scheme claim form.

There will be no cost to claimants for these documents.

Who will provide support through the claims process?

The ATFR Scheme recognises the process of putting in a claim may bring up many painful and difficult memories for Aboriginal people, and may cause anxiety for some people.

As well as contacting the ATFRS Scheme for advice and assistance, community agencies will be funded by the Government to provide practical support to people, from filling in the form at the beginning of the process, right through to the time people are told of the Panel's decision.

Agencies will also be funded to offer counselling if you need to discuss distressing issues that may come up in the course of your claim being finalised.

Can I appeal if I don't agree with the Panel's decision?

If you don't agree with the decision about money owed to either yourself or your deceased relative(s), you can ask the Panel to reconsider your claim.

For example:

You may believe the ATFR Scheme has not considered certain aspects of your claim, or

You may have new information you believe the Panel should be made aware before making a final decision about the amount owed.

You can also seek your own legal advice if you are not satisfied with the final outcome of the ATFR Scheme process.

Contact Details

The Director
NSW Aboriginal Trust Fund Repayment Scheme
Locked Bag 28
Ashfield NSW 1800

Website: atfrs@community.nsw.gov.au
For further advice and assistance you can make a free phone call to:

1800 765 889

(Monday–Friday 9am–5pm)

“When in the years up to 1969 Aboriginal people sought to gain access to their accounts they were rarely paid. After 1969 payments ceased completely. For those reasons I take this opportunity to formally apologise to the Aborigines affected and offer the assurance that any individual who can establish they are owed money will have it returned.” NSW Premier Bob Carr - Extract from NSW Legislative Assembly Hansard 11 March 2004