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**Sent:** Wednesday, 9 April 2008 2:49 PM  
**To:** Legal and Constitutional, Committee (SEN)  
**Subject:** Spam: Submission re the Stolen Generation Compensation Bill 2007

**Legal and Constitutional Affairs – Standing Committee**  
Committee Secretary  
Senate Standing Committee on Legal and Constitutional Affairs  
Department of the Senate  
PO Box 6100  
Parliament House  
Canberra ACT 2600  
Australia

Dear Madam/Sir,

I fully support the concept of the Stolen Generation Compensation Bill 2007.

In particular I support

***Item 4 – Entitlement to ex gratia payment***

*This provision deals with the appropriation of funds for an ex gratia payment to the applicant. This provision does not preclude applicants from further or future claims.*

I believe that it is important that claimants should not have to sign an indemnity clause in order to apply for compensation.

***Item 5 – Eligibility criteria for ex gratia payment.***

*This subsection allows for eligibility to remain open to:*

- *Those who were subject to previous government policies which removed Indigenous children from their families. This ensures that eligibility be extended to provide for the children of people removed under previous government policies of removal to claim compensation payments to which their parent(s) would have had an entitlement;*
- *Those Aboriginal and Torres Strait Islander children of mixed race descent who were subject to legislation for removal from their families, regardless of the process of conferring wardship or any other official status bringing about their removal from their families; and*
- *Children of deceased persons who were subject to previous government policies or removal of Aboriginal and Torres Strait Islander children from their families.*

I support the general thrust of this item. In particular I think it important that the eligibility criteria is sufficiently flexible to allow for the many different actions taken on the ground by poorly trained people with a dislike of paper work. Claimants should be judged as to whether they were removed from their families basically because they were considered to be

Indigenous, not be knocked back because this removal was not properly documented as such.

***Item 6 – Applications for ex gratia payment***

*This provision has been extended to allow for applications to the Stolen Generations Assessor be extended for a period of seven years to ensure that adequate time be made available to applicants. This ensures that information can be disseminated throughout Australia and overseas to locate the Stolen Generations and to provide time for sufficient resources to be gathered to make adequate applications.*

I support this lengthy period because of the difficulty of disseminating the information effectively. I think provisions should be made for a well-funded and well-planned communication plan to be set up in consultation with organisations such as Link-up and the National Sorry Day Committee and the Stolen Generations Alliance.

***Item 10 – Establishment of Stolen Generations Fund***

*This provision sets up the establishment of the Stolen Generations Fund which ex gratia payments will be made from.*

This money should be 'new' money not money which has been taken from existing Indigenous funding.

***Item 11 – Amount of ex gratia payment***

*This provision sets the payment of compensation to individual Aboriginal and Torres Strait Islander persons removed from their families as children under previous government policies at \$20,000 as common experience payment and an additional \$3,000 payment for each year of institutionalization.*

This seems reasonable.

***Item 13 – Stolen Generations Tribunal decisions are reviewable***

*This provision allows for appeals of the decision of the Stolen Generation Tribunal to be reviewed.*

It is natural justice that decisions should be reviewable. In particular it is important for people whose claims have been knocked back to be able to appeal or to explain mitigating circumstances, reasons etc.

***Items 14 - 20 Appointment and functions of the Stolen Generations Tribunal***

*These provisions deal specifically with the methods of appointment of the Stolen Generations Tribunal and the merit selection pertaining to it. It also specifies the powers and procedures of the Tribunal.*

Whilst there needs to be proper accountability for the funds, the preponderance of the members of the Stolen Generations Tribunal should be Indigenous. Also they should be treated like Directors of a Company and be given adequate (but not lavish) remuneration for their time and costs in being part of the Tribunal. Some may well be pensioners and it is important that they are not impoverished by their willingness to be part of the Tribunal.

***Item 21 – Death of applicant***

*This provision provides that the application for ex gratia payments by an applicant are deemed not to have lapsed should they die before their application is decided.*

Of course.

***Item 22 – Additional support***

*This provision provides for the setting of other support services that should be taken into consideration such as the establishment of the following:*

- *Healing centers and services of assistance for people in receipt of compensation as a result of removal from their families; and*
- *Funeral Trust Fund for the provision of funeral services for the deceased.*

Healing, Grief and Trauma Counselling - there needs to be a search for a variety of proven, and even probably some new trial, programs to help Stolen Generations people and their extended family to heal some of the wounds which they have suffered. There should be networking amongst the centres and program providers so that claimants can find the help which best suits them. Naturally traditional Aboriginal and Torres Strait Islander healing methods must be included and probably further developed.

In Conclusion, I congratulate Senator Bartlett for getting this Bill this far.

It is important that the Prime Minister and the Minister for Indigenous Affairs act generously and decisively to implement the Recommendations of the Bringing them Home Report. Naturally, the how and when should be negotiated with Indigenous people themselves.

Never forget that many Stolen Generations children grew up to be Stolen Wages workers. So they suffered the double trauma:

- they were removed from their families, their culture, their language
- they were sent out to work, often virtually as slave labour and they did not even receive the pittance they were theoretically paid.

I recommend the Bill be continued with and eventually passed and the Stolen Generation children be compensated as quickly as possible.

Yours sincerely,

Monique Bond