CHAPTER 1

INTRODUCTION

Purpose of the Bill

1.1   On 14 February 2008, the Stolen Generation Compensation Bill 2008 (Bill), a private senator's bill, was introduced into the Senate by Senator Andrew Bartlett. On 12 March 2008, the Senate referred the Bill to the Standing Committee on Legal and Constitutional Affairs, for inquiry and report by 16 June 2008.

1.2   The primary purpose of the Bill is to address compensation for the 'stolen generation' of Indigenous children in Australia.[1] The Bill proposes a compensation model for ex gratia payments to be made to Aboriginal and Torres Strait Islander persons who are found to be eligible for such payments under the Bill.

1.3   In summary, the Bill:

- specifies the application process and eligibility criteria for receipt of ex gratia payments;

- establishes a Stolen Generations Fund from which ex gratia payments are to be made to eligible persons;

- establishes a Stolen Generations Tribunal to determine applications, and defines the functions and powers of that tribunal;

- provides for remuneration and conditions of appointment for members of the Stolen Generations Tribunal; and

- provides for the establishment of other support services, including funding for healing centres and services of assistance for people in receipt of compensation.

1.4   The Bill has been amended substantially from an initial exposure draft which was introduced into the Senate by Senator Bartlett in 2007, after taking into account comments and submissions by various groups (especially relating to the issue of eligibility criteria for ex gratia payments for claimants). The Bill now allows for a wider range of claimants and contains several provisions relating to additional services to be provided for claimants or their families.[2]

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1   The term 'stolen generation' refers to a policy that involved the forcible removal of Indigenous children from their families for placement into foster homes, internment camps or institutions from the mid-nineteenth century up until the 1970s: Australian Lawyers Alliance, *Submission 67*, p. 4. It is estimated that at least 100,000 children were taken from their families during that period: National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from Their Families, *Bringing them home*, April 1997.

2   Explanatory Memorandum, Stolen Generation Compensation Bill 2008, p. 1.

1.5   While acknowledging the various initiatives by the Federal Government in implementing inquiries and projects aimed at addressing the needs of the stolen generation, the Australian Democrats have stated that 'more must be done to address the injustices caused by the policies of the day which still continue to affect many Indigenous children, adults and entire communities'.[3]

Conduct of the inquiry

1.6   The committee advertised the inquiry in *The Australian* newspaper on 26 March 2008, and invited submissions by 9 April 2008. Details of the inquiry, the Bill, and associated documents were placed on the committee's website. The committee also wrote to over 100 organisations and individuals.

1.7   The committee received 85 submissions which are listed at Appendix 1. Submissions were placed on the committee's website for ease of access by the public.

1.8   The committee held a public hearing in Darwin on 15 April 2008 and in Sydney on 16 April 2008. A list of witnesses who appeared at the hearings is at Appendix 2 and copies of the Hansard transcript are available through the Internet at http://aph.gov.au/hansard.

Acknowledgement

1.9   The committee thanks the organisations and individuals who made submissions and gave evidence at the public hearings, especially those individuals who shared their personal stories with the committee.

Note on references

1.10   References in this report are to individual submissions as received by the committee, not to a bound volume. References to the committee Hansard are to the proof Hansard: page numbers may vary between the proof and the official Hansard transcript.

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3   Explanatory Memorandum, Stolen Generation Compensation Bill 2007, p. 4.