
From: David Hall
Sent: Thursday, 3 April 2008 3:57 PM
To: Legal and Constitutional, Committee (SEN)
Subject: Inquiry into the Stolen Generation Compensation Bill 2008

Dear Senators,

The intent of the Bill seems unexceptionable, and an important next step in the process of reconciliation begun through the formal apology issued by the Federal Parliament. I recognise, however, that concerns will be raised about "setting precedents". The "ex gratia" and case-specific nature of the proposed payments should allay fears in this regard.

As I understand the Bill, it will be the responsibility of an independent Tribunal to establish the facts (or balance of probabilities) in each case in which compensation is sought. There will be no indiscriminate distribution of what might otherwise be seen as "guilt money". Nevertheless, I think the Bill would be strengthened if it provided mechanisms to reduce the possibility that the proposed scheme will "favour the articulate and well-represented". Equality of access to consideration for compensation should, I suggest, be a key principle clearly articulated in legislation.

I wonder what is proposed in relation to the taxation treatment of ex gratia payments made, and suggest that this should be made clear in the Bill. (Incidentally, I take it that Clause 10.4 refers to "account" rather than "amount".)

My main interest is in the provisions for 'additional support' mentioned at Clause 22. Will the "healing centres and services of assistance for people in receipt of compensation as a result of the removal from their families" be provided through a separate line item of the Federal Budget, or is it to be drawn from the proposed Stolen Generations Fund? In either case, will the Tribunal administer the allocation of such assistance?

Thank you for the opportunity of making these brief comments.

Yours sincerely,

David Hall