

9th April 2008

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

Fax: 02 6277 5794

E-mail: legcon.sen@aph.gov.au

Dear Secretary

**Re: Submission into the Senate Committee Inquiry into the Stolen Generation
Compensation Bill 2008**

I would like to support the submission made by The Bringing Them Home Committee (WA) Inc., which held a meeting in Perth on Wednesday 2nd April 2008 to seek input from members of the Stolen Generations and their families about the Stolen Generation Compensation Bill 2008. Unfortunately, I/we could not attend but have subsequently received a briefing on the proposed Bill and an outline of the discussion that took place at the meeting.

I/we agree with the following key points:

1. I/we request that the Senate Legal and Constitutional Affairs Committee hold a hearing in Perth in order to take submissions from the many people in Western Australia who are members of the Stolen Generations and their families.
2. The Bill should make an acknowledgement that the past practices that created the Stolen Generations, as outlined in the Bringing Them Home Report, were an act of genocide.
3. The provisions in Clause 4(3) need to be amended to acknowledge the differing provisions in State based compensations schemes. In Western Australia, for example, the Redress Scheme relates to incidents of abuse and not removal and is therefore not "like legislation". In such cases, it should be possible for a person to make a claim under the Redress scheme in WA as a result of abuse but also under a Commonwealth scheme such as that proposed here, for compensation for the hurt and suffering being felt by those who were removed from their families.
4. I/we fully support the inclusion of the provision in Clause 5(3)(b) for living descendants of a deceased person who satisfied the criteria to make a claim for compensation.
5. I/we feel that it is important to note that the criteria under Clause 5 clearly acknowledge that in some cases children were removed into foster placements or adoptions as well as into institutions such as Children's Homes.

6. I/we fully support the provision in Clause 6(2), which allows for oral submissions but feel that this Clause should also specifically acknowledge the need for other persons such as family members to make oral submissions on behalf of the applicant due to the ongoing stress and trauma suffered by some who would wish to make an application for compensation.
7. I/we support the requirement under Clause 8 that the Stolen Generations Tribunal be required to make decisions on applications within 12 months of receiving an application to avoid these processes being dragged out for too long.
8. I/we strongly believe that the level of compensation proposed under Clause 11 is far too inadequate. We believe that whilst it is impossible to adequately compensate for the hurt and suffering of those affected by the removal of children from their families, a minimum of \$150,000 should be paid to those entitled to compensation under this Bill.
9. I/we believe that there should be greater Aboriginal representation on the proposed Stolen Generation Tribunal and that this should also reflect the need for representation for all States and Territories and also the need to have both male and female representatives so that they can properly deal with cultural sensitivities. I/we therefore propose that Clause 15(1)(e) be amended so that there are 2 Aboriginal representatives, one male and one female, from each State and Territory.
10. I/we support the broad intent of the Additional Support measures in Clause 22 but stress that they should not be a substitute for individual compensation and should not only apply to those who receive the compensation. Support services such as counselling must also be provided for all Aboriginal people given the level of hurt that has been felt across the whole community as a result of these past practices.
11. I/we propose that the provisions for funeral expenses under Clause 22(3) specifically acknowledge the need to return the deceased person to their country for burial.

I/we thank you for the opportunity to make a submission to the Inquiry about this very important Bill and look forward to the opportunity to making an oral submission to the Committee should a decision be made to conduct a Hearing in Perth.

Yours sincerely,

NAME	SIGNATURE	ADDRESS
Lee MacRae		
Ian MacRae		" "