

**From:** Dr Susan Greer  
**Sent:** Wednesday, 9 April 2008  
**To:** Legal and Constitutional Committee (SEN)  
**Subject:** Inquiry into the Stolen Generation Compensation Bill 2007

Dear Senators,

The intention to provide compensation to surviving members of the Stolen Generations and to the families of those who have not survived is an important step in the process of reconciliation and healing for Indigenous and non-Indigenous Australians.

In relation to the Bill I have some questions/issues that I wish to raise with the Committee in the interest of seeing a just outcome for those Indigenous peoples affected by the policies and practices of past governments.

1. The Bill must provide for the payments of compensation to be tax exempt and, where applicable for payments not to affect the determination of individual's entitlements to welfare benefits.
2. In determining the viability of the model, I refer the Committee to aspects of the Canadian Settlements Agreement that should be adapted for inclusion in the Australian model, specifically:
  - a. The funding and provision of workshops/ seminars/mentors to assist recipients of compensation payments in the development of financial literacy. For many survivors of the Stolen Generations, the legacy of these past policies has not only meant trauma and a loss of dignity and culture, but also a loss of financial and economic literacy that will require dedicated processes of support to redress. For comprehensive details of these issues, and the consequences for Indigenous disadvantage I refer the Committee to the evidence gathered by the recent Senate Inquiry into the Aboriginal Stolen Wages and to the current New South Wales Legislative Council Standing Committee Inquiry into "Overcoming Indigenous Disadvantage in New South Wales".

The Canadian model also acknowledges the importance of this support to help safeguard the compensation payments from opportunists who seek to take advantage of the situation.
  - b. The Canadian model is a negotiated settlement, and the Australian scheme must also result from a comprehensive process of consultation with members of the Stolen Generations to ensure an adequate level of compensation that better compensates for the physical, emotional, economic and social losses they and their families have endured.

Surely what represents adequate and just compensation is a matter for those affected, and it may (and probably will) extend beyond financial considerations.

3. The policies that created the “Stolen Generations” have directly contributed to contemporary levels of Indigenous disadvantage. The spirit of the Bill must acknowledge this fact, and identify that, as part of the process of reconciliation, the payment of compensation is an initiative to overcome the legacy of the child removal policies as well as an acknowledgement of the rights of those affected.
4. Regarding the adequacy of the levels of compensation proposed under Clause 11, I refer the Committee to the proposed scheme from Julian Burnside (Manning Clark Lecture 2008) which entails categories of compensation that describe the claimant. This idea of categories of compensation is also incorporated in the Canadian scheme, which enables survivors to claim further compensation for abuse, including loss of income.

Within these categories, there must also be a substantial increase in the amounts proposed. If the objective of the scheme is to provide compensation, then the amounts proposed must surely reflect the extent of the loss and disadvantage wrought by the practices of past governments on *individuals*. The experiences of many Australian Indigenous people were no less than those suffered by the Indigenous peoples of Canada so why are we not able to offer a comparable mechanism for compensating the victims of these policies.

I have undertaken extensive research on the past policies of the New South Wales Aborigines Protection and Welfare Boards, and have collaborated with a Canadian colleague who is researching experiences in relation to the government of the First Nations. The commonalities between the experiences of the Aboriginal peoples of both these nations provide substantial evidence that a comparable level of compensation is warranted.

5. Other matters:
  - a. What is the proposed source of funding for the Healing Centres and Services? Aboriginal monies should not be allocated to fund these services.
  - b. On the principles listed for selection of persons for appointment to the Stolen Generations Tribunal, how is probity and transparency to be assured? Do Indigenous people make up the majority of the membership of the Tribunal?
  - c. What mechanisms will be used to determine the “truth” of oral evidence presented to the Tribunal? The experiences in the New South Wales repayments scheme point to a lack of government records to establish the legitimacy of claims, and the reluctance of the authorities to accept oral evidence without substantiating records.

To conclude, I would like to stress to the Committee that it is time to embrace the recommendations of the *Bringing them Home report* and to make just reparations for these policies.

I thank you for the opportunity to make a submission to the Inquiry about this very important Bill and would be happy to make an oral submission to the Committee should the opportunity arise

Yours sincerely

Dr Susan Greer