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Stolen Generations Redress Scheme must provide just reparations to survivors

All comments to be attributed to Law Council of Australia President, Dr Jacoba Brasch QC

In its submission to the Senate Finance and Public Administration Legislation Committee's Inquiry into the Territories Stolen Generations Redress Scheme Bills, the Law Council of Australia has outlined suggestions designed to ensure the draft Bills provide just reparations to survivors.

Recognising that a goal of the Redress Scheme is to ensure payments do not affect a person's eligibility for any Government assistance or services, the Law Council has called for the Senate Committee to seek further advice from the Australian Government regarding redress payments to be excluded from asset testing. As drafted, the current Facilitation Bill protects against payments being considered income when assessing eligibility for social welfare support. The Law Council is concerned it may be included for the purposes of determining the value of a person's assets.

Representatives of the Law Council of Australia will provide further input on the Bills to the Senate Finance and Public Administration Legislation Committee at a public hearing tomorrow. The Law Council expects this forum to highlight the importance of the Redress Scheme enabling applications to be brought on behalf of members of the Stolen Generations who are deceased or who may pass away before the closing application date.

The Law Council has also raised concerns that the proposed one-off redress payment amount of \$75,000 and the healing assistance payment of \$7,000 may be insufficient. Its submission highlighted redress schemes with higher payments and the fact amounts provided through other Stolen Generation Redress Schemes differ across jurisdictions. Inconsistency in payments between redress schemes in different jurisdictions at different times and for different types of trauma survivors is regrettable.

Both the redress and healing assistance payment amounts must be specified in legislation to guarantee survivors receive the promised maximums.

The Law Council has also recommended the timeframe for the scheme be extended beyond four years. It considers six to eight years would be more appropriate to enable survivors to learn about the scheme, receive information, advice and trauma-informed support.

Finally, the Law Council noted the scheme is not a national program. It considers there should be strong encouragement from the Commonwealth to ensure that members of the Stolen Generations living in all other states have access to redress payments and assistance.

The Law Council's submission was prepared with the assistance of its Indigenous Legal Issues Committee and the Victorian Bar. A full copy of the submission is available [here](#).

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