

Submission
To the Senate Standing Committee on Legal and Constitutional Affairs
on the Stolen Generation Compensation Bill 2008.

The NSW Council for Civil Liberties is grateful for the opportunity to comment on this Bill.

1. As the report *Bringing Them Home* made clear, significant suffering occurred as a result of the various policies adopted by the Federal and State Parliaments of forcibly removing children from their families, against their will and the will of their parents.
2. The NSW Council for Civil Liberties supports the intention of Senator Bartlett in proposing this Bill to ensure that compensation is obtained as of right, and without the necessity for protracted legal proceedings. There are, however, a number of respects in which we believe the Bill could be improved.
3. Section 4 should have an additional subsection expressly stating that, to remove doubt, acceptance of an ex gratia payment under this Act does not preclude persons from seeking further compensation, should the harm done to them warrant more compensation than the Act allows. (We note that this was Senator Bartlett's intention, as expressed in the Explanatory Memorandum.)
4. Section 11 provides compensation for persons eligible for compensation under subsection 5(3) (children of deceased persons who were removed from their families as children). But no compensation is specified for persons eligible under subsections (1) and (2). This should be provided for.
5. Explicit provision should be made for legal aid for applicants, and sufficient funds provided for the provision of legal assistance and for the training of lawyers.

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