



THE LAW SOCIETY
OF NEW SOUTH WALES

Our ref: IIC:JvdPvk010322

1 March 2022

The Hon. Ben Franklin MLC
Minister for Aboriginal Affairs
GPO Box 5341
Sydney NSW 2001

By webform

Dear Minister,

Extension of the Stolen Generations Reparations Scheme

The Law Society of NSW, informed by the expertise of our Indigenous Issues Committee, understands that applications to the Stolen Generations Reparations Scheme (**Scheme**) will close on 30 June 2022.

Our members have expressed concerns that this deadline is fast approaching and that without extension, eligible Stolen Generations survivors may be excluded.

We note the significant disruptions experienced throughout NSW due to the COVID-19 pandemic in the last two years. One such disruption has been to the ability of relevant services such as Legal Aid NSW and community legal centres to provide information and assistance to potentially eligible Stolen Generations survivors to make an application on the Scheme.

During the public health emergency, we know that the mental health, as well as the social and emotional wellbeing of many survivors has deteriorated. The difficulties brought on by the public health emergency aside, we note that even prior to the COVID-19 outbreak, our members had expressed concerns in relation to how effective promotion of the Scheme has been across NSW.¹

The Law Society notes that, pursuant to the *Guidelines for the Administration of the NSW Stolen Generations Reparations Scheme*² (**Guidelines**), the Minister has the discretion to extend the Scheme if deemed 'necessary'.³

We respectfully submit that, given the real possibility that many potential claimants may be unaware of their rights under the Scheme, you should exercise your discretion as the Minister to extend operation of the Scheme, including to receive applications beyond 30 June. A meaningful extension to the application deadline would enable the Stolen Generations

¹ This includes insufficiently accessible information on how to navigate their rights and entitlements under the SGRS, as well as how the SGRS interacts with the National Redress Scheme, and any other compensation received.

² Available online: https://www.aboriginalaffairs.nsw.gov.au/healing-and-reparations/stolen-generations/reparations-scheme/SGRS-Guidelines_Sep-2019.pdf.

³ [2.2], Guidelines.

Reparations Scheme Unit to administer the Scheme in a way that is consistent with its purpose (that is, to provide reparations to Stolen Generations survivors who were removed by, committed to, or otherwise came to be in the care of the Board under the policy of assimilation)⁴; and in a way that causes no harm.⁵

In our view, extending the deadline is 'necessary' in order to support survivors' wellbeing, reduce stress, and to enable the provision of culturally appropriate information and services to allow survivors to access the Scheme. While we are mindful of the finite nature of administrative resources, we caution against further delays in implementing the other reparation measures⁶ should the Scheme be extended.

Thank you for your consideration. Questions at first instance may be directed to Vicky Kuek, Principal Policy Lawyer, at victoria.kuek@lawsociety.com.au or (02) 9925 0354.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Joanne van der Plaat', written in a cursive style.

Joanne van der Plaat
President

⁴ [11.1.4], Guidelines.

⁵ [1.9], Guidelines.

⁶ We note that the Government's response to the *Unfinished Business* report accepted (or accepted in principle) all but two of the recommendations made as a result of that inquiry. These recommendations go to monetary and non-monetary reparations including supporting healing, better access to culturally appropriate and trauma informed medical, housing and education services for Stolen Generations survivors and their descendants, guarding against repetition and supporting cultural renewal.