

NSW Stolen Generations Reparations Scheme and Funeral Assistance Fund

Fact Sheet 1 – Overview

NSW Stolen Generations Reparations Scheme

The Stolen Generations Reparations Scheme enabled ex gratia payments of \$75,000 to Stolen Generations survivors who were removed by, committed to, or otherwise came to be in the care of the Aborigines Protection or Welfare Boards under the *Aborigines Protection Act 1909*, up until the Act was repealed on 2 June 1969.

The Scheme commenced on 1 July 2017. It was open to living Stolen Generations survivors only. Applications closed on 30 June 2023.

The application process puts the onus on Government to search Aborigines Protection and Welfare Board records for evidence of removal. The Stolen Generations Reparations Unit in Aboriginal Affairs receives and investigates applications. If the official records are unclear or there are no records, claimants will be contacted for more information.

The Scheme is implemented under the guidance of Aboriginal Independent Assessors, who make recommendations regarding payment to the Minister for Aboriginal Affairs. The Independent Assessors consider all available evidence, including oral evidence and statutory declarations where necessary.

The Minister's decision on whether to make an ex-gratia payment is final. However, the Guidelines allow for a review if a claimant considers that there is information or evidence that has not been taken into consideration, and/or the process outlined in the Guidelines has not been followed in considering the claim. Any such request for a review from a claimant must be in writing and indicate the reasons for requesting the review. The review process will be conducted by a different Independent Assessor than the Independent Assessor who originally considered the claim.

Successful claimants can choose to make a statement concerning their removal and its impact and receive a personal written apology.

Receiving a payment under the Stolen Generations Group Action and the recently announced National Redress Scheme for survivors of institutional child sexual abuse **does not disqualify** people from receiving a payment under the reparations scheme. The Stolen Generations Reparations

Scheme payment is in recognition of the hurt caused by the act of forcible removal only, and does not provide for compensation for personal damages suffered as a result of any abuse or neglect while in care.

In August 2021, the Commonwealth Government announced the Territories Stolen Generations Redress Scheme. It provides eligible survivors who were taken from their families in the Northern Territory, Australian Capital Territory and Jervis Bay Territory with personalised apologies and monetary payments of \$75,000, and an additional healing payment. For more information, visit the National Indigenous Australia Agency website. The Victorian Stolen Generations Reparations Package commenced in March 2022. Contact them on 1800 566 071 or stolen.generations@justice.vic.gov.au

Funeral Assistance Fund

The Stolen Generations Funeral Assistance Fund enables a standard one-off payment of \$7,000 to Stolen Generations survivors who were living on 2 December 2016 and were removed by, committed to, or otherwise came to be in the care of the Aborigines Protection or Welfare Boards under the *Aborigines Protection Act 1909*, up until the Act was repealed on 2 June 1969. The Fund commenced on 1 July 2017.

Those deemed eligible for the Stolen Generations Reparations Scheme are automatically eligible for the Funeral Fund.

The Fund provides flexibility in the use of funds. The onus is on claimants to make arrangements regarding funeral planning and to communicate those arrangements to their families and beneficiaries.

Successful claimants have the option of receiving payment at the time of approval or deferring payment until a later date. If requesting to defer the payment, they will be asked to nominate a representative to receive payment at a later date.

Closed June 2023

- Applications to the Stolen Generations Reparations Scheme closed on **30 June 2023**.
- Late applications may be accepted in some circumstances. To request to submit a late application please write to the Manager.