

Stolen Generations Inquiry – Proposed Terms of Reference

Notice of Motion originally given in the Legislative Council by Jan Barham, 16 October 2014

That the Standing Committee on Social Issues inquire into and report on reparations for the Stolen Generations in New South Wales, and in particular:

- (a) potential legislative and policy frameworks to make reparations to members of the Stolen Generations and their descendants,
- (b) the 1997 National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children and their Families' *"Bringing Them Home"* report and the subsequent response to its recommendations regarding reparations and compensation,
- (c) legislation and policy frameworks relating to reparations that have been implemented or proposed in other jurisdictions, including:
 - (i) the framework established by the *Stolen Generations of Aboriginal Children Act 2006 (Tasmania)*,
 - (ii) bills that have been introduced and inquiries that have been conducted in the Commonwealth and South Australian Parliaments, and
- (d) any other related matter.

Aboriginal Seniors Card

Motion by Jan Barham MLC agreed to by the Legislative Council by Jan Barham, 21 March 2013

1. That this House notes that:

- (a) Thursday 21 March 2013 is National Close the Gap Day, a day of recognition that governments must achieve health equality between Aboriginal and Torres Strait Islander people and other Australians by 2030,
- (b) Aboriginal and Torres Strait Islander people have a life expectancy that is consistently identified as being between 10 and 17 years less than the life expectancy of the general population,
- (c) Aboriginal and Torres Strait Islander people experience disability rates at 2.4 times the general population, and
- (d) the Government operates a number of support programs for older people aged 65 and over, where the eligibility age for Aboriginal and Torres Strait Islander people is lowered to 45 years of age, including NSW Home and Community Care Services, assistance under the Older Parent Carer Program and the provision by Housing NSW of accommodation in seniors communities.

2. That this House acknowledges the finding of the 2010-11 Australian Medical Association Indigenous Health Report Card, that states that:

Appropriate access to primary health care can narrow the life expectancy gap, and may also offset some of the harmful health effects of socio-economic disadvantage and inequality.

3. That this House further acknowledges recommendation No. 5 of the NSW Aboriginal Community Care Gathering Committee's Conference Report from 2006 which states that:

Eligibility for the NSW Seniors Card should be extended to include Aboriginal and Torres Strait Islander people from the age of 45 years.

4. That this House acknowledges the NSW Aboriginal Community Care Gathering Committee's policy position ratified in June 2011, specifically noting:

(a) Guiding Principle No. 8: "In acknowledging that Aboriginal and Torres Strait Islander people have a reduced life expectancy compared to other people in Australia, Aboriginal and Torres Strait Islander people must be eligible for aged care and other seniors' services from the age 45 years. Until life expectancies for all are similar, eligibility from age 45 years for Aboriginal and Torres Strait Islander people would ensure that they equitably receive the very necessary support services and other benefits afforded to other older people in Australia.",

(b) Recommendation 5: All programs providing support and other services to older people must ensure that the age criteria for Aboriginal and Torres Strait Islander people start at 45 years,

(c) Recommendation 6: Aged care assessments must be available for Aboriginal and Torres Strait Islander people from age 45 years if necessary, not 50 years, and

(d) Recommendation 7: The NSW Seniors Card must be available to Aboriginal and Torres Strait Islander people from age 45 years.

5. That this House calls on the Government to consider lowering the eligibility age for Aboriginal and Torres Strait Islander people to be entitled to receive the NSW State Seniors Card to 45 years of age and for this new eligibility age to come into effect from 1 July 2013.