

## CHAPTER 7

### REPARATION: GUARANTEES AGAINST REPETITION

#### Background to the recommendations

7.1 HREOC concluded in *Bringing Them Home* that official policy and legislation for Indigenous families and children was contrary to ‘accepted legal principle imported into Australia as British common law’ and, from late 1946, ‘constituted a crime against humanity’:

The implementation of the legislation was marked by breaches of fundamental obligations on the part of officials and others to the detriment of vulnerable and dependent children whose parents were powerless to know their whereabouts and protect them from exploitation and abuse.<sup>1</sup>

7.2 HREOC claimed that these conclusions justified recommendations for reparation, including compensation, to be applied within a human rights framework such as the van Boven principles.<sup>2</sup>

#### What was recommended

7.3 With respect to reparations, HREOC recommended the following:

##### *Components of Reparations*<sup>3</sup>

3. That, for the purposes of responding to the effects of forcible removals, ‘compensation’ be widely defined to mean ‘reparation’; that reparation be made in recognition of the history of gross violations of human rights; and that the van Boven principles guide the reparation measures. Reparation should consist of.
  1. acknowledgment and apology,
  2. guarantees against repetition,
  3. measures of restitution,
  4. measures of rehabilitation, and
  5. monetary compensation.

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1 *Bringing Them Home*, p. 275; See also Commonwealth Government discussion of HREOC findings in *Submission 36*, Minister for Aboriginal and Torres Strait Islander Affairs, pp. 610-612

2 *Bringing Them Home*, pp. 249-283

3 *Bringing Them Home*, pp. 277-283

*Claimants*

4. That reparation be made to all who suffered because of forcible removal policies including,
  1. individuals who were forcibly removed as children,
  2. family members who suffered as a result of their removal,
  3. communities which, as a result of the forcible removal of children, suffered cultural and community disintegration, and
  4. descendants of those forcibly removed who, as a result, have been deprived of community ties, culture and language, and links with and entitlements to their traditional land.

*What is 'reparation'?*

7.4 According to HREOC, reparation is based on the application of international law to provide a remedy (in respect of human rights breaches including genocide) at the international level. The application of the van Boven principles through customary international law recognises 'a right to a remedy' for these victims.<sup>4</sup> Ultimately, reparation encompasses all aspects as listed above, as distinct from purely monetary compensation:

Reparations shall render justice by removing or redressing the consequences of the wrongful acts and by preventing and deterring violations. Reparations shall be proportionate to the gravity of the violations and the resulting damage and shall include restitution, compensation, rehabilitation, satisfaction and guarantees of non-repetition (van Boven 1996).<sup>5</sup>

7.5 HREOC states that there is an 'international legal obligation' to 'repair the damage caused, awarding the victims means of rehabilitation and, where applicable, compensation or economic indemnification'.<sup>6</sup> In addition, HREOC states that this 'obligation' is not only the responsibility of the violating governments, and covers succeeding governments of that state.<sup>7</sup>

**Guarantees against repetition**

7.6 The guarantee of non-repetition may be seen as another form of recognition and acknowledgment. By guaranteeing against the repetition of an act, a government is inherently acknowledging that the act occurred previously. In order for the

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4 *Bringing Them Home*, p. 281

5 *Bringing Them Home*, p. 281

6 *Bringing Them Home*, p. 280

7 *Bringing Them Home*, p. 280; See also, Chapter 4, paras 4.13 – 4.15 discussing 'Continuing Responsible Government'

guarantee against repetition to be complete, HREOC made three specific recommendations:

*School Education*

8a. That State and Territory Governments ensure that primary and secondary school curricula include substantial compulsory modules on the history and continuing effects of forcible removal.

8b. That the Australian Institute of Aboriginal and Torres Strait Islander Studies be funded by the Commonwealth to develop these modules.

*Professional Training*

9a. That all professionals who work with Indigenous children, families and communities receive in-service training about the history and effects of forcible removal.

9b. That all undergraduates and trainees in relevant professions receive, as part of their core curriculum, education about the history and effects of forcible removal.

*Genocide Convention*

10. That the Commonwealth legislate to implement the *Genocide Convention* with full domestic effect.

## **Commonwealth Government response**

### *Addressing consequences but not taking responsibility?*

7.7 With the announcement of the Commonwealth Government's response to *Bringing Them Home*, the Minister for Aboriginal and Torres Strait Islander Affairs stated:

While we do not believe that our generation should be asked to accept responsibility for the acts of earlier generations, sanctioned by the law of the times, we fully accept that we of this generation have an obligation to address the consequences of those actions and policies.<sup>8</sup>

### *School education and professional training*

7.8 In its submission, the Commonwealth government stated, in relation to recommendations 8 and 9 of *Bringing Them Home*, that these are matters for the states and territories.<sup>9</sup> While this may be the case for the most part (as education and training come under state and territory responsibility) it was clearly recommended by HREOC

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8 Senator the Hon. John Herron, Minister for Aboriginal and Torres Strait Islander Affairs, "*Bringing Them Home*" *Commonwealth Government Initiatives*, 16 December 1997, p. 1

9 *Submission 36*, Minister for Aboriginal and Torres Strait Islander Affairs, p. 609

that the Australian Institute of Aboriginal and Torres Strait Islander Studies be funded by the Commonwealth in order to develop the necessary educative modules. Having regard to state and territory responses to these recommendations, Commonwealth funding of the Australian Institute of Aboriginal and Torres Strait Islander Studies may not be necessary.<sup>10</sup>

### *Genocide Convention*

7.9 The enactment of domestic anti-genocide legislation was stated by HREOC to be the responsibility of the Commonwealth. The Commonwealth Government argues that successive Federal governments have taken the view that it is not necessary to have a 'specific offence' of genocide within the domestic legal system in order to meet Australia's obligations under the Genocide Convention.<sup>11</sup> The reasoning behind this view, according to the Commonwealth government, is that the types of conduct, such as murder, which are involved in genocide, are already state offences and if those acts were committed in Australia, they would be prosecuted under those laws.<sup>12</sup>

7.10 In addition, the Commonwealth government 'strongly denies' the finding in *Bringing Them Home* that the past practices and policies of separating children from their families amounted to 'genocide' within the terms of the Convention.<sup>13</sup>

7.11 The Commonwealth government states that despite the fact that the Genocide Convention defines genocidal acts as including the forcible transfer of children from one group to another group, in order for this to constitute 'genocide', the transfer must be done with 'a specific intent to destroy'. The Commonwealth government does not accept that the past policies and practices were 'driven by an intent to destroy'.<sup>14</sup>

7.12 The Acting Aboriginal and Torres Strait Islander Social Justice Commissioner stated that there are not now, nor have there ever been, any sound reasons not to enact such legislation, following Australia's ratification of the Genocide Convention in 1948:<sup>15</sup>

The point at issue in the recommendation is not whether past laws governing the forcible removal of Indigenous children from their families authorised or even effected genocide, but rather that the enactment of legislation outlawing genocide or any genocidal action in Australia would help ensure that such an abhorrent phenomenon would not occur today or in the future, whether or not one accepts that it occurred in the past.<sup>16</sup>

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10 See paragraphs 7.19 – 7.72

11 *Submission 36*, Minister for Aboriginal and Torres Strait Islander Affairs, p. 601

12 *Submission 36*, Minister for Aboriginal and Torres Strait Islander Affairs, p. 602

13 *Submission 36*, Minister for Aboriginal and Torres Strait Islander Affairs, p. 602

14 *Submission 36*, Minister for Aboriginal and Torres Strait Islander Affairs, p. 602

15 *Social Justice Report 1998*, pp. 139-140

16 *Social Justice Report 1998*, p. 140

7.13 All states and territories, with the exception of South Australia and the Northern Territory, stated that this recommendation is the responsibility of the Commonwealth. Both South Australia and the Northern Territory stated that states and territories should be consulted in accordance with Treaty Consultation Principles.<sup>17</sup>

#### Anti-Genocide Bill 1999

7.14 As discussed in Chapter 1, this Committee considered and reported on the issue of domestic genocide legislation, in June 2000.<sup>18</sup>

7.15 This Committee recommended that the Parliament ‘formally recognise the need for anti-genocide laws’ and recommended the Bill be referred to the Attorney-General for consideration of the matters identified by the Committee.<sup>19</sup>

7.16 On 25 October 2000, the Attorney-General and the Minister for Foreign Affairs released a joint media release stating:

The Commonwealth intends to introduce legislation by the end of the year to ratify the Statute of the International Criminal Court ...

7.17 It was stated that ratification legislation ‘will fully implement the obligations under the Statute’. As a result, crimes for the purposes of the court’s jurisdiction will also be crimes for the purposes of Australian law:

Upon commencement, Australian authorities will be able to investigate and prosecute those persons who are accused of perpetrating the most serious crimes of concern to the international community. These will include genocide, crimes against humanity and war crimes. The jurisdiction of the court will be entirely prospective, meaning it will only apply to crimes committed after the Statute enters into force.

7.18 It would appear that whether or not the Commonwealth government implements the Anti-Genocide Bill 1999, the crime of genocide will become part of Australian law and punishable under Australian law.

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17 See *Submission 61*, South Australian Government, pp. 1154-1155 and *Submission 64*, Northern Territory Government, p. 1233

18 See Senate Legal and Constitutional Reference Committee, *Humanity Diminished: The Crime of Genocide, Inquiry into the Anti-Genocide Bill 1999*, June 2000

19 Senate Legal and Constitutional Reference Committee, *Humanity Diminished: The Crime of Genocide Inquiry into the Anti-Genocide Bill 1999*, June 2000, pp. 52-53

## State and territory government responses

### *New South Wales (NSW)*

#### School education

7.19 The NSW government response to *Bringing Them Home* of May 1999 stated that the NSW Department of Education and Training (DET) is incorporating aspects of *Bringing Them Home* into numerous syllabuses and resources. These include:<sup>20</sup>

- Years K to 6 *Human Society and its Environment*
- Years 7 to 10 *History and Aboriginal Studies* and other syllabus documents
- HSC Online materials for Years 11 and 12 *Aboriginal Studies*

7.20 In addition, the NSW government stated that copies of the community document *Bringing Them Home – a guide to the findings and recommendations* were to be distributed to all public schools and district offices throughout NSW, and the Government would continue to implement the NSW Aboriginal Education Policy, developed with the NSW Aboriginal Education Consultative Group.<sup>21</sup>

7.21 Further initiatives include:<sup>22</sup>

- A Reconciliation Kit for all schools in NSW
- Sponsoring the TAFE NSW Student and Staff Awards
- Recruiting additional Aboriginal teachers and para-professionals
- Grants of \$15,000 to schools with significant Aboriginal student numbers to support literacy programs
- Operating Indigenous community language programs in sixteen public schools in NSW
- Funding support for district based Reconciliation activities including student performances in Sydney's Martin Place and a student art exhibition at the NSW Art Gallery

7.22 The NSW Board of Vocational Education and Training commissioned the development of a vocational education and training strategy for Indigenous people, with a draft due for release in 1999. Whilst this draft has, as yet, not been released, it is expected before the end of 2000, alongside the National Blueprint: *Partners in a Learning Culture*. Initiatives such as this were not specifically recommended by *Bringing Them Home* however, they are well within the spirit of the report.

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20 Ministerial Council for Aboriginal and Torres Strait Islander Affairs, *Collected Responses*, p. 32

21 Ministerial Council for Aboriginal and Torres Strait Islander Affairs, *Collected Responses*, p. 32

22 Ministerial Council for Aboriginal and Torres Strait Islander Affairs, *Collected Responses*, p. 32

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### Professional training

7.23 The NSW government states that it has sought advice from the Aboriginal Reference Group on a rolling program of Aboriginal cultural awareness training for all government employees who are in contact with Aboriginal clients. In addition, NSW government agencies have incorporated or are in the process of incorporating information about the history and effects of forcible removal into training packages. These government agencies include:<sup>23</sup>

- Department of Education and Training
- Department of Community Services
- Department of Juvenile Justice
- NSW Police Service
- Department of Corrective Services
- Attorney General's Department
- NSW Health Department

### *Queensland*

#### School education

7.24 In its 1998 response to *Bringing Them Home*, the Queensland government stated that the *Bringing Them Home* community guide had been placed on the Education Queensland website, Murri Thusi (Aboriginal and Torres Strait Islander Education Unit), for access by all schools and other community members. Further, information concerning forcible removal policies was included in the secondary school curricula.<sup>24</sup>

7.25 The Pre-school to Year Twelve Guidelines and Framework for the Teaching of Aboriginal and Torres Strait Islander Studies in Queensland Schools is a curriculum support document which assists schools to include Indigenous perspectives within curricula.<sup>25</sup>

### Professional training

7.26 As with many other states, it is unclear what initiatives have been introduced as a result of the HREOC recommendation in this area, and what was already in place. The Queensland government stated that Family Services Officers participate in a three-week induction program following appointment. The program includes two days training on working with Aboriginal and Torres Strait Islander children and families

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23 Ministerial Council for Aboriginal and Torres Strait Islander Affairs, *Collected Responses*, pp. 32-34

24 Ministerial Council for Aboriginal and Torres Strait Islander Affairs, *Collected Responses*, p. 144

25 Ministerial Council for Aboriginal and Torres Strait Islander Affairs, *Collected Responses*, p. 144

and includes information about the history and effects of forcible removal (discussion is promoted about how the legacy of forcible removal impacts upon current child protection and juvenile justice practice).<sup>26</sup>

7.27 An Aboriginal and Torres Strait Islander Cultural Awareness Training Program (Mura Ama Wakaana) was to be delivered at regular intervals, ensuring Queensland Government staff have a culturally sensitive approach to Aboriginal and Torres Strait Islander matters. In addition, Education Queensland was to progress the development of units on the history and effects of the forcible removal of Indigenous children from their families for cross-cultural awareness training modules for in-service teacher training.<sup>27</sup>

7.28 In relation to recommendation 9b, the Queensland government stated that this recommendation was addressed to 'tertiary education institutions'.<sup>28</sup>

## *Victoria*

### School education

7.29 The Victorian government, in its *Implementation Status Report* of November 1998, states that the Office of Schools has made specific curriculum advice, in the form of units of work, available to all teachers in primary and secondary schools.<sup>29</sup> The Victorian government states that the primary unit, *Koori Culture and Communities* for years 5 and 6 has been completed and is now in schools.

7.30 A unit containing specific reference to and teaching strategies addressing the issue of forcible removal, *The Aboriginal Civil Rights Movement*, introduced in 1997, is taught at years 9 and 10 and the Victorian government is monitoring the unit's uptake.<sup>30</sup>

7.31 In addition, a unit of work at the upper primary/lower secondary level was under development for release to schools in term one 1999. It is understood that this unit was to include issues relating to forcible removal being raised within a reconciliation context.<sup>31</sup>

7.32 Museum Victoria established an on-line educational program for schools in 1997-98 titled *Hidden Histories*, specific to the Koori community in Victoria. The program enables children to learn about the lives of Koori people through the Internet, while the program?, with the consent of the participants, conducts, records and

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26 Ministerial Council for Aboriginal and Torres Strait Islander Affairs, *Collected Responses*, p. 144

27 Ministerial Council for Aboriginal and Torres Strait Islander Affairs, *Collected Responses*, p. 144

28 Ministerial Council for Aboriginal and Torres Strait Islander Affairs, *Collected Responses*, p. 144

29 *Submission 109*, Victorian Government, Minister for Aboriginal Affairs, p. 2993

30 *Submission 109*, Victorian Government, Minister for Aboriginal Affairs, p. 2993

31 *Submission 109*, Victorian Government, Minister for Aboriginal Affairs, p.2993



presents oral histories about local Koori people in their communities.<sup>32</sup> The Victorian government states that while the target group of participants is Koori students, all students are encouraged to participate.

7.33 However, in its November 1997 response to *Bringing Them Home*, the Victorian government stated that the Victorian Curriculum and Standards Framework mandates broad learning outcomes for the compulsory years of schooling. However, no primary or secondary curriculum is compulsory (except VCE Year 11 and 12 study designs).<sup>33</sup>

#### Professional training

7.34 The Victorian government states that the Department of Human Services Training Unit provides regular Cultural Awareness/Sensitivity courses for staff specifically in the Department's Youth and Family Services area which, in 1997 included:<sup>34</sup>

- Half day session on Aboriginal and Torres Strait Islander cultural awareness within the induction training for 155 child protection workers;
- 'Working with Indigenous People' conducted with forty-two staff; and
- 'Anti-racist Practice Training' conducted with ten staff.

7.35 It would appear from this information that such initiatives were in place prior to the tabling of *Bringing Them Home* and therefore, not as a result of the recommendations made in that report.

7.36 The Public Health Branch of the Department of Human Services was purchasing twelve cultural awareness programs from the Victorian Aboriginal Community Controlled Health Organisation Inc., to be provided to regional and central office staff. In addition, Aboriginal Affairs Victoria was allocated \$180,000 over three years for targeted cross-cultural awareness across the Department.<sup>35</sup>

7.37 Within the Department of Education, the Koori Education Development Unit has responsibility for sixteen Koori Education Development Officers whose focus is on the school sector. Officers are responsible for awareness both within schools and the wider community, with awareness including discussion on the history and effects of forcible removal and the referral of appropriate Koori community speakers to schools upon request.<sup>36</sup>

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32 *Submission 109*, Victorian Government, Minister for Aboriginal Affairs, pp. 2993-2994

33 *Submission 109*, Victorian Government, Minister for Aboriginal Affairs, p. 2940

34 *Submission 109*, Victorian Government, Minister for Aboriginal Affairs, p. 2994

35 *Submission 109*, Victorian Government, Minister for Aboriginal Affairs, p. 2995

36 *Submission 109*, Victorian Government, Minister for Aboriginal Affairs, p. 2995

7.38 Cultural Awareness programs are also run for regional Adult Community and Further Education Councils and the Office of Training and Further Education distributes funding to TAFE Institutes to support the delivery of training to Koori students.<sup>37</sup> While commendable, it is not clear whether these initiatives are the result of the recommendations of *Bringing Them Home* or were in place prior to that report.

7.39 Similarly, within the Department of Justice, staff in private prisons and in the public correctional sector are expected to undertake training programs which address cross cultural issues as part of the requirements of the Department of Justice's *Correctional Policy and Management Standards*. A National Training Package for the Correctional Industry has been developed through the Australian National Training Authority which includes a unit of training requiring the demonstration of competency in providing support to offenders in Aboriginal and Torres Strait Islander communities.<sup>38</sup>

7.40 The Aboriginal Advisory Unit of Victoria Police is also responsible for all training issues within Victoria Police, with the history and effects of forcible removal of Indigenous children being included in all such training.

7.41 In relation to recommendation 9b of *Bringing Them Home*, the Victorian government state that strategies are being introduced by the Office of Training and Further Education to ensure that TAFE Institutions are aware of the history, and understand the effects, of forcible removal. The Office of Training and Further Education was also to provide information to Industry Training Boards and seek advice from the Victorian Aboriginal Education Association Incorporated on the most appropriate way to ensure inclusion of the history and effects of forcible removal in relevant core curriculum and training packages for TAFE Institutions (not universities).<sup>39</sup>

### *South Australia*

#### School education

7.42 In its 1998 response to *Bringing Them Home*, the South Australian government was of the view that a 'phased introduction' in primary and secondary schools of modules on the history and continuing effects of forcible removal of Aboriginal children, would be 'more appropriate' than an 'immediate blanket mandate' making the modules compulsory in school curricula.<sup>40</sup> The South Australian government state:

Members of the Aboriginal community have expressed very strongly to the Department of Education, Training and Employment that to immediately

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37 *Submission 109*, Victorian Government, Minister for Aboriginal Affairs, p. 2995

38 *Submission 109*, Victorian Government, Minister for Aboriginal Affairs, pp. 2995-2996

39 *Submission 109*, Victorian Government, Minister for Aboriginal Affairs, p. 2996

40 *Submission 61*, South Australian Government, p. 1152

implement, as part of the compulsory curriculum, modules on the history and effects of forcible removal was inappropriate and insensitive of the emotional impact on Aboriginal people.<sup>41</sup>

7.43 The Department of Education, Training and Employment recognised that the implementation of delivery of the modules would take some time, but that this delay should not prevent teachers talking about the subject in the classroom. In addition, the South Australian publication, written by Andrew Hall, titled *The Removal of Many Aboriginal Children* is a resource for schools and tertiary institutions.<sup>42</sup>

#### Professional training

7.44 The South Australian Government states that it ‘strongly supports in principle’, in-service training for all relevant employees.<sup>43</sup> Based on the South Australian government response to *Bringing Them Home* (included in the government’s submission to this inquiry), it is not clear which, if any, training programs are the direct result of the recommendations of *Bringing Them Home*.

7.45 The South Australian government response to *Bringing Them Home* stated that Aboriginal Education, through Anangu Education Services and the Project Officer Aboriginal Schools, was to ensure that the history and effects of forcible removal were priorities in the 1997/98 Aboriginal and Anangu school induction programs, in relation to personnel who work with Aboriginal children, families and communities.<sup>44</sup> In addition, the South Australian Aboriginal Education Plan In Early Childhood And Schools, 1998-2001 had an outcome that a Department Reconciliation Statement be published and distributed in the year 2000. The issue of the forcible removal of children was to be included in this statement.<sup>45</sup>

7.46 Within South Australia Police, the South Australian government stated that all in-service training courses offered by South Australia Police cover aspects of cultural awareness and in particular Aboriginal Studies. However, there are no dedicated sessions given specifically to discuss issues akin to the history and effects of forcible removal of Aboriginal and Torres Strait Islander children from their families.<sup>46</sup>

7.47 Prior to the tabling of *Bringing them home*, as part of South Australia Police’s Aboriginal and Torres Strait Islander Recruitment Training and Retention Program, workshops in Cultural Awareness were conducted for some 600 employees. They addressed issues relating to the history and effects of forcible removal of Aboriginal

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41 *Submission 61*, South Australian Government, p. 1152

42 *Submission 61*, South Australian Government, p. 1152

43 *Submission 61*, South Australian Government, p. 1153

44 *Submission 61*, South Australian Government, p. 1153

45 *Submission 61*, South Australian Government, p. 1153

46 *Submission 61*, South Australian Government, p. 1153

and Torres Strait Islander children from their families. Future workshops were intended to be held for all employees.<sup>47</sup>

7.48 The Department for Correctional Services provides a mandatory three-day module of Cultural Awareness training to all new Correctional Officer recruits. However, the program was under review and the review was to incorporate the history of the removal of Aboriginal children in the future program.

7.49 In addition, State Records initiated a cross-cultural awareness training day for all its archivists and other employees in 1998, and the Department of Human Services was to distribute widely within the Department and to agencies it funds, a range of publications which are deemed able to contribute to the overall awareness of Aboriginal issues and resources for in-service training.<sup>48</sup>

## *Tasmania*

### School education

7.50 The Tasmanian government stated that in Tasmania, all government schools and colleges are required to ensure that all students participate in Aboriginal Studies as a compulsory unit of the learning area 'Studies of Society and the Environment', incorporated from primary through to Higher School Certificate levels of education.<sup>49</sup> The Tasmanian government also stated that the set of curriculum modules, as proposed be developed with Commonwealth funding, by the Australian Institute of Aboriginal and Torres Strait Islander Studies, would provide a 'nationally consistent framework'.<sup>50</sup>

7.51 In addition, the Tasmanian Department of Education, Community and Cultural Development has developed an Aboriginal Education Strategic Plan 1997-2002 which identifies commitments for the advancement of Aboriginal students. Specific outcomes include:<sup>51</sup>

- Goal 2.1 The number of skilled teachers and managers able to effectively meet the learning needs of Aboriginal and Torres Strait Islander children will be increased;
- Goal 2.5 All Australian students will have knowledge and appreciation of Aboriginal cultures and Torres Strait Islander cultures;
- Goal 2.6 Aboriginal and Torres Strait Islander perspectives and reconciliation strategies will permeate the curriculum.

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47 *Submission 61*, South Australian Government, pp. 1153-1154

48 *Submission 61*, South Australian Government, p. 1154

49 Ministerial Council for Aboriginal and Torres Strait Islander Affairs, *Collected Responses*, p. 252

50 Ministerial Council for Aboriginal and Torres Strait Islander Affairs, *Collected Responses*, p. 252

51 Ministerial Council for Aboriginal and Torres Strait Islander Affairs, *Collected Responses*, p. 252

## Professional training

7.52 Strategies were also to include negotiations with the University of Tasmania to ensure that all teacher graduates had completed Aboriginal and Torres Strait Islander Studies and a Cross-Cultural Awareness module as part of their training. Negotiations were also to take place regarding the implementation of Aboriginal Studies programs, and the creation of materials for Aboriginal perspectives across the curriculum to ensure teaching in all key learning areas. The development of additional curricula material was to take place in consultation with the Aboriginal community.<sup>52</sup>

7.53 The Tasmanian Government stated that currently, there is a range of training opportunities provided within the Public Service in Tasmania which seek to provide cross-cultural awareness. However, implementation of this recommendation requires further consideration:<sup>53</sup>

In the context of this report, it is clear that the recommendation has wider implications and requires further consideration. The Office of Aboriginal Affairs will review and consult with agencies regarding their responsibilities in relation to this recommendation.

Beyond the provision of Government services, there are State based training institutions which will also need to consider addressing this recommendation.

## *Western Australia*

### School education

7.54 In its response to *Bringing Them Home*, the Western Australian (WA) government stated that the Education Department of WA had developed the Aboriginal Studies K-10 curriculum to enable all students to gain a knowledge, understanding and appreciation of Aboriginal history and culture, in consultation with 450 teachers.<sup>54</sup>

7.55 The Education Department of WA has developed the resources *The First National Sorry Day* and *Towards Reconciliation in Western Australian Schools* to complement the national materials developed by the Council for Reconciliation. All have been distributed to all government schools together with the *Bringing Them Home* video and community guide produced by HREOC. In addition, the Education Department of WA proposed development of a *Bringing Them Home* CD-ROM.<sup>55</sup>

7.56 The WA government state that throughout all departmental operations within the WA Department of Training, there is recognition of the principles of Aboriginal

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52 Ministerial Council for Aboriginal and Torres Strait Islander Affairs, *Collected Responses*, pp. 252-253

53 Ministerial Council for Aboriginal and Torres Strait Islander Affairs, *Collected Responses*, p. 253

54 Ministerial Council for Aboriginal and Torres Strait Islander Affairs, *Collected Responses*, p. 205

55 Ministerial Council for Aboriginal and Torres Strait Islander Affairs, *Collected Responses*, p. 205

Terms of Reference (WA Department of Training protocol document) and the need for Aboriginal people and communities to contribute to all stages of program and services design, delivery and evaluation. In addition, the WA Department of Training has successfully developed a? specific Aboriginal studies curriculum to incorporate into cross-cultural programs with its Aboriginal Services Branch providing assistance and advice to various government and non-government agencies in the design, delivery and evaluation of cultural awareness training programs.<sup>56</sup>

### Professional training

7.57 The WA government stated that the Education Department was implementing the Aboriginal cultural awareness training package, *Our Story*, to ensure that all Education Department of WA employees will be better equipped for teaching Aboriginal students and interacting with Aboriginal communities. In addition, the history and effects of forcible removal was to be incorporated into the Education Department of WA's Aboriginal Studies professional leadership programs and will be addressed at Aboriginal education workshops and conferences.<sup>57</sup>

7.58 The WA Department of Training, in conjunction with Aboriginal communities, was to have examined options to develop a training package that would encompass, where relevant, the local history and ongoing effects of forcible removal, to be delivered to relevant departmental staff from 1998.<sup>58</sup>

7.59 The WA government stated that the Ministry of Justice provides a Cross Cultural Awareness course, which is available to all staff. Again, it is unclear whether this course is as a result of *Bringing Them Home*, or whether the course was already in place. However, the course covers areas such as: differing value systems between Aboriginal and non-Aboriginal people; relating to Aboriginal culture; and government policies on Aboriginal affairs, both past and present. In addition, the minimum qualification for employment in Juvenile Detention Centres is the TAFE Certificate 4 (Youth Residential), of which a unit is devoted to Aboriginal and cultural issues.<sup>59</sup>

7.60 In 1990, the Department of Family and Children's Services launched *Working with Aboriginal People*, a cross-cultural training package developed and delivered by Aboriginal staff, now part of mainstream departmental training in which the *Aborigines Act 1905 (WA)* and its effects are key features.<sup>60</sup>

7.61 While the WA government states that recommendation 9b is for consideration by tertiary and other training institutions, the Education Department of WA was to

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56 Ministerial Council for Aboriginal and Torres Strait Islander Affairs, *Collected Responses*, p. 205

57 Ministerial Council for Aboriginal and Torres Strait Islander Affairs, *Collected Responses*, p. 206

58 Ministerial Council for Aboriginal and Torres Strait Islander Affairs, *Collected Responses*, p. 206

59 Ministerial Council for Aboriginal and Torres Strait Islander Affairs, *Collected Responses*, p. 206

60 Ministerial Council for Aboriginal and Torres Strait Islander Affairs, *Collected Responses*, p. 206

raise core aspects of this recommendation with the relevant tertiary institutions and TAFE colleges.<sup>61</sup>

### *Australian Capital Territory*

#### School education

7.62 The Australian Capital Territory (ACT) government stated in its 1998-1999 Implementation Report that all ACT government high schools and colleges were provided with copies of the *Bringing Them Home* report. In addition, two copies of the guide to the findings and recommendations of the National Inquiry and the accompanying video were provided to all high schools and colleges, while all ACT government primary schools received two copies of the summary of the report.<sup>62</sup>

7.63 In relation to school curriculum, the ACT government states that all ACT government preschools have an Indigenous perspective in their curriculum and one third of all ACT government high schools and secondary colleges and one quarter of all primary schools have Indigenous Studies units in their school curriculum.<sup>63</sup> The ACT government discusses other Indigenous focussed education. However, it would appear that these initiatives are not restricted to inclusion of the history and effects of forcible removal policies, because in 1999 the ACT Department of Education and Community Services intended to conduct a survey to determine the number of schools which have a curriculum, including information on the effects of forcible removal policies on families.<sup>64</sup>

7.64 The ACT government also stated that individual primary and secondary schools and colleges have developed modules of work around the 'Stolen Generation' theme.<sup>65</sup>

#### Professional training

7.65 The ACT government states that each year, the Family Services Unit offers a free one-day course on *Child Welfare – Past, Present and Future* which includes the history and effects of child removal policies, involving an Indigenous facilitator. This content is also covered in induction training for all recently appointed Family Services Unit staff.<sup>66</sup>

7.66 The Indigenous Education Unit in the ACT Department of Education and Community Services conducts courses for teachers on the needs of Indigenous

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61 Ministerial Council for Aboriginal and Torres Strait Islander Affairs, *Collected Responses*, pp. 206-207

62 *Submission 42*, Australian Capital Territory Government, p. 817

63 *Submission 42*, Australian Capital Territory Government, p. 817

64 *Submission 42*, Australian Capital Territory Government, p. 817

65 *Submission 42*, Australian Capital Territory Government, p. 817

66 *Submission 42*, Australian Capital Territory Government, pp. 817-818

students, informs teachers of the effects of forcible removal policies in Indigenous families and extends to cultural awareness training for teachers.<sup>67</sup>

7.67 In early 1999, the ACT Department of Education and Community Services employed an Indigenous consultant to lead one-day courses for high school, secondary college and preschool teachers, where they were exposed to better practice in dealing with Indigenous issues in the school setting. In addition, in 1998-99, the Indigenous Education Unit completed half-day in-services on Cultural Awareness for approximately 200 teachers, in which the *Bringing Them Home* report, video and literature were central.<sup>68</sup>

7.68 The ACT government stated that, in developing service contracts that address the needs of Indigenous people, the ACT Department of Health and Community Care now requires the provision of in-service training on the history and effects of forcible separation. Cultural awareness training is also conducted at both the Canberra Hospital and Calvary Hospital, while the ACT Alcohol and Drug Service and ACT Dental Service are working with Winnunga Nimmityjah Health Service to provide in-service training on cultural awareness and other Indigenous issues.<sup>69</sup>

### *Northern Territory*

#### School Education

7.69 The Northern Territory (NT) government stated, in its response to *Bringing Them Home*, that the 'compulsory aspect' of school education is not supported as there are no 'compulsory modules' in the Board of Studies curriculum.<sup>70</sup>

Both positive and negative aspects of the history of the interaction between Aboriginal and other people now receive attention in schools. The 'history and continuing effects of forcible removal' is not a specific topic of study although teachers are free to select such a topic and could use any modules which may be developed in relation to it.<sup>71</sup>

7.70 While the NT government sees the development of curriculum modules on forcible removal by the Australian Institute of Aboriginal and Torres Strait Islander Studies as a 'matter for the Commonwealth' (as recommended), the NT government also stated that Territory organisations such as the Institute for Aboriginal Development, Northern Territory University and Nungalinga College could contribute

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67 *Submission 42*, Australian Capital Territory Government, p. 818

68 *Submission 42*, Australian Capital Territory Government, p. 818

69 *Submission 42*, Australian Capital Territory Government, p. 818

70 *Submission 64*, Northern Territory Government, p. 1232

71 *Submission 64*, Northern Territory Government, p. 1232



to the production of relevant materials.<sup>72</sup> The NT government does not state whether funding for this contribution would be required from the Commonwealth.

### Professional training

7.71 The NT government stated that cross-cultural education and other training for people in relation to working with or providing services to Aboriginal people was common place in the NT Public Service. The Territory Health Services also have an Aboriginal Cross Cultural Awareness Program that ‘aims at ensuring all staff receive appropriate training’, with the objective of the training being to ‘assist staff in achieving a better understanding of the cultural issues impacting on health service delivery’.<sup>73</sup> The history and effects of forcible removal are a component of this program, with most providers of Aboriginal cross cultural awareness training in the Northern Territory dealing with the issue of the impact of removal policies.<sup>74</sup>

7.72 In relation to recommendation 9b, the NT government stated that this was ‘for consideration by the relevant professional bodies and universities’.<sup>75</sup>

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72 *Submission 64*, Northern Territory Government, p. 1232

73 *Submission 64*, Northern Territory Government, p. 1232-1233

74 *Submission 64*, Northern Territory Government, p. 1233

75 *Submission 64*, Northern Territory Government, p. 1233

