



**Australian Government**

**GOVERNMENT RESPONSE TO  
SENATE STANDING COMMITTEE ON LEGAL AND  
CONSTITUTIONAL AFFAIRS  
REPORT**

***STOLEN GENERATION COMPENSATION BILL 2008***

**December 2009**

## INTRODUCTION

The Commonwealth Government welcomes the Senate Standing Committee on Legal and Constitutional Affairs' report on the *Stolen Generation Compensation Bill 2008*.

The Government is committed to addressing the damaging and negative effects that resulted from the past policies of removing Indigenous children from their families, and it is mindful of the hardships endured in the past by members of the Stolen Generations<sup>1</sup>, and of how much the consequences of these hardships must still be felt today.

The Government offered the apology on 13 February 2008 in a spirit of respect, acknowledgement and recognition of the past mistreatment of all Indigenous peoples, and particularly the profound grief, suffering and loss inflicted on the Stolen Generations. This is in keeping with relevant elements of the *Bringing Them Home* report recommendation around reparations.

The Government has indicated on a number of occasions that it will not be providing compensation to members of the Stolen Generations. For this reason the Government has no specific comments to make on the aspects of the Bill relating to compensation for the Stolen Generations.

The Government continues its commitment to the ongoing healing of the Stolen Generations, and to working with them to make sure their voices are heard in the design of policies and programs to improve outcomes for Indigenous Australians.

On the 22 November 2009 the Australian Government announced its support for the establishment of a new national representative body for Aboriginal and Torres Strait Islander peoples to be known as the *National Congress of Australia's First Peoples*, and committed \$29.2 million to the setting up and initial operation of the body up until December 2013. The decision follows consideration by the Government of the report *Our Future in Our Hands* from the Aboriginal and Torres Strait Islander Social Justice Commissioner, Tom Calma, and an Indigenous Steering Committee and presented to the Government in August 2009. The model set out in the report resulted from twelve months of extensive community consultation across Australia including a national workshop of 100 Indigenous leaders and was based on the feedback from all of those consultations. The establishment of this body underpins the Government's commitment to resetting the relationship with Indigenous peoples. It provides a voice for Indigenous peoples, the opportunity for partnership and the genuine engagement necessary if there is to be progress in closing the gap in life outcomes and opportunity.

The Government recognises that the Stolen Generations are in need of critical services to help trace and reconnect their families. In 2007-08, the Government committed an additional \$15.7 million to important initiatives such as *Link Up* family reunion services and *Bringing Them Home* counsellors for Stolen Generation survivors.

On 13 February 2009, the first anniversary of the motion of *Apology to Australia's Indigenous Peoples*, the Government announced a further expansion to the *Link Up* program with additional *Link Up* caseworkers and more administrative support to help more members of the Stolen Generations trace, locate and reunite with their families. This was provided for in the 2009-10 Budget with an additional \$13.8 million over four years. This additional investment will allow for up to 140 'Return to Country' and institutional reunions.

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<sup>1</sup> The Australian Government uses the plural when referring to the Stolen Generations to emphasise that the practice of removing children from their families, which began in the early nineteenth century and continued until the 1970s, affects more than one generation.



The Government also recognises the critical need for healing services to overcome the trauma of removal, the impact of colonisation and the associated intergenerational effects. The 2009-10 Budget provided \$26.6 million over four years for the establishment of a Healing Foundation to address trauma and healing in the wider Indigenous community, with a focus on the Stolen Generations. This initiative addresses a major recommendation of the *Bringing Them Home* report concerning healing and rehabilitation, and will help individuals, families and communities to move forward.

The Foundation has been established to support practical and innovative healing services, as well as training and research. It will work towards stopping the cycle of trauma and grief in Indigenous communities, particularly affecting the Stolen Generations and their families. The Foundation's inaugural Board has been appointed and held its first meeting on 14 December 2009. The Foundation is expected to become fully operational in early 2010.

The Government's national priorities for Australia, including the *National Framework for Protecting Australia's Children* endorsed on 30 April 2009 by the Council of Australian Governments, and giving children the best start in life through early childhood and parenting programs, reflect a number of the measures recommended in the *Bringing Them Home* report.

The Government is working on an ongoing basis with Stolen Generations organisations and members at the grassroots level.

Since coming to office the Government has set a national priority to close the gap between Indigenous and non-Indigenous Australians. Australian Governments have agreed to a number of ambitious targets for Closing the Gap. By improving outcomes for all Indigenous people, members of the Stolen Generations will also benefit. Healing in particular underpins the Closing the Gap work.

Through a range of initiatives the Government has responded, and continues to respond to, the *Bringing Them Home* report. The Government recognises that members of the Stolen Generations have particular needs. For this reason, the Government has allocated additional funds in the 2009-10 Budget to address the specific healing and family reunion needs of Stolen Generations members, supported by dedicated consultative mechanisms which ensure respectful participation in the implementation of those measures.



## **RESPONSE TO RECOMMENDATIONS**

This section provides the Government response to each of the Committee recommendations.

### **Recommendation 1**

The committee recommends that the Bill not proceed in its current form. (3.129)

#### ***Response***

Supported. The Government has stated that it will not be providing compensation to members of the Stolen Generations.

### **Recommendation 2**

The committee recommends that the Federal Government's Stolen Generations Working Group (comprised of Stolen Generations' representatives from the National Sorry Day Committee and the Stolen Generations Alliance) be charged with the responsibility of monitoring the implementation of the recommendations of the *Bringing Them Home* report, and providing advice to government on the implementation of outstanding recommendations of that report by the end of 2008. (3.130)

#### ***Response***

Noted. The Government is mindful of the importance of engaging with the Stolen Generations in ways that will meet their needs. In mid 2008, members of the Stolen Generations' Working Group came to a mutual agreement that future engagement would be through separate processes outside the group.

In accordance with this request, the Department of Families, Housing, Community Services and Indigenous Affairs (the Department) now meets regularly with the Stolen Generations' Alliance (SGA) Executive. The Department has corresponded and met with the National Sorry Day Committee (NSDC) to propose regular meetings, similar to those undertaken by SGA. The NSDC is still considering this proposal. The Stolen Generations Working Group no longer meets.

The Department is also engaging with members of the Stolen Generations at the grassroots level through meetings with local groups and individuals not represented by the two national organisations. The needs of the Stolen Generations in general and in relation to the *Bringing the Home* report recommendations are raised at these meetings.

### **Recommendation 3**

The committee recommends that the Federal Government's 'closing the gap' initiative be extended to establish a National Indigenous Healing Fund to provide health, housing, ageing, funding for funerals, and other family support services for members of the Stolen Generations as a matter of priority. The committee recommends that the National Indigenous Healing Fund be incorporated within the 'closing the gap' initiative as an additional and discrete element of focus and funding. (3.131)

#### ***Response***

Noted.

On 26 May 2008, the Prime Minister announced that a forum of experts would be convened to map ways forward for healing among Australia's Indigenous peoples, in particular the Stolen Generations. The Indigenous Healing Forum held on 16 and 17 September 2008



looked at the real impacts of trauma on individuals, families and communities, including children, and best practice models for recovery.

In order to get a range of views on Indigenous healing and its potential applications, a very broad representation from the government, community and other sectors as well as members of the Stolen Generations were invited to attend and contribute to the discussion.

The National Indigenous Healing Fund concept proposed by the Committee differs to the views expressed at the Forum and, indeed, in conversations with experts and members of the Stolen Generations themselves.

The Government recognises the critical need for healing services to overcome the trauma of removal, the impact of colonisation and the associated intergenerational effects. The 2009-10 Budget provided \$26.6 million over four years for the establishment of a Healing Foundation to address trauma and healing in the wider Indigenous community, with a focus on the Stolen Generations. This initiative addresses a major recommendation of the *Bringing Them Home* report concerning healing and rehabilitation, and will help individuals, families and communities to move forward.

Ms May O'Brien from Western Australian and Mr Gregory Phillips from Victoria were appointed to lead the Aboriginal and Torres Strait Islander Healing Foundation Development Team of nine Indigenous members. The members of the Development Team included persons with strong expertise in healing programs, knowledge of Stolen Generations issues and knowledge around establishing a Foundation. Several members of the Development Team identify as Stolen Generations.

The team undertook consultations with key organisations and individuals as well as conducting community workshops across Australia to listen to community ideas for the Aboriginal and Torres Strait Islander Healing Foundation.

Following the consultations, a report was presented to the Government on the consultations, including recommendations for the establishment and remit of the Aboriginal and Torres Strait Islander Healing Foundation. The report was launched on 24 September 2009.

An Interim Board was appointed from the Development Team to organise incorporation and selection of Board members. The Aboriginal and Torres Strait Islander Healing Foundation was incorporated on 30 October 2009. The Inaugural Board was appointed in late 2009 and held its first meeting on 14 December 2009. Current membership is:

- Chair: Ms Florence Onus
- Deputy Chair: Debra Hocking
- Secretary: Judy Atkinson
- Treasurer: Noeleen Lopes
- Members: Graham Gee, Toni Janke-Demmery

Three further Board members are expected to be appointed early in 2010. With the finalisation of appointments to the Board, the Foundation will become fully operational in the first half of 2010.

#### **Recommendation 4**

The committee recommends that the terms and conditions of the National Indigenous Healing Fund be determined through the Council of Australian Governments (COAG), and that its processes and practical application be decided after consultation with the Stolen Generations

Working Group (comprising of stolen generation representatives from the National Sorry Day Committee and the Stolen Generations Alliance). (3.132)

**Response**

Noted. The Government will consult with members of the Stolen Generations in formulating any policy and program delivery frameworks in this area.

With respect to the Aboriginal and Torres Strait Islander Healing Foundation, Stolen Generations were represented on the team developing proposals and consultations have included key Stolen Generations organisations as well as grassroots members.

Two key office bearers on the Healing Foundation's Inaugural Board are Stolen Generations members, Chairperson, Ms Florence Onus and Deputy Chair, Ms Debra Hocking.

The Foundation has been established to provide practical and innovative healing services, as well as training and research and aims to stop the cycle of trauma and grief in Indigenous communities, particularly affecting the Stolen Generations and their families.