

# **ADDITIONAL COMMENTS BY SENATOR ANDREW BARTLETT**

1.1 The Committee's report contains a valuable summary of the views, ideas and information provided to the inquiry on the issue of compensation for the Stolen Generations. The report reflects the fact that most of the submissions and evidence supported the introduction of some form of compensation and wider support to deal with the ongoing damage caused by past practices.

1.2 I agree with the Committee's recommendations in the broad, and make particular note of the recommendation to establish a National Healing Fund in order to provide further much needed healing and bridging services to members of the Stolen Generations. These are vital to the process of healing for families and communities and must be part of a holistic approach. Compensation, whether through the mechanism proposed in my legislation or some other model, is only one part of what still needs to be done.

1.3 My decision to introduce legislation proposing a form of compensation for the Stolen Generations, in line with the original recommendations in the Bringing Them Home Report, arose out of numerous representations and comments I received in meetings and gatherings with Indigenous Australians in many parts of the country.

1.4 I first introduced it in 2007 in the lead up to the tenth anniversary of the Bringing Them Home Report as a way to highlight that, while the issue of a national apology had received most of the attention, this was only one component of the recommendations dealing with reparation, and a number of other aspects had also not been implemented.

1.5 The aim was not to propose the definitive model for reparations and compensation, but to put the issue back on the political agenda and provide some focus to the debate. It was intended to be a vehicle to engage Indigenous communities, organisations and the legal fraternity into providing the committee with new and more viable models.

1.6 I would like to take the opportunity here to acknowledge the important work that the Public Interest Advocacy Centre (PIAC) and Australian Human Rights Centre (AHRC) have done on this issue and applaud the model they have proposed, which is outlined in paragraphs 3.95 – 3.98 of this report.

1.7 I support the recommendations they have made that this Bill be replaced by the PIAC's Stolen Generations Reparations Tribunal Bill which more fully encapsulates the reparation measures contained in the Bringing Them Home Report and takes other matters into consideration that are not covered in this Bill.

1.8 In the wake of the national apology delivered by the new Rudd government, I took the opportunity to re-introduce an amended form of my Bill to the Senate a day after the apology was given. While the apology was a very welcome and positive action by the government, it is regrettable that the idea of monetary compensation has been unequivocally rejected by the Prime Minister, particularly given that – as noted in paragraph 2.8 - Labor members of this Senate Committee recommended the establishment of a reparations tribunal in a report tabled in November 2000.

1.9 I do not suggest the Bringing Them Home Report should take the form of holy writ that must be implemented in full without question, particularly given over ten years have now passed. However, the new government should give full consideration to its outstanding recommendations before they are rejected and give solid reasons why they are doing so. The submission from FaHCSIA to this inquiry does not show any sign that any such genuine consideration has occurred. Instead, comments from the Department such as those quoted in paragraph 2.14 of this report, seem to give the quite false implication that somehow the government's view is in keeping with the Bringing Them Home recommendations on reparation.

1.10 In apologising and acknowledging the hurt and harm caused by policies of the government of the day, it is important that the present government also recognise that an apology was part of an interlinked suite of measures to provide proper reparation. Mechanisms to provide monetary compensation should also be part of that. It is not acceptable that the only avenues open to members of the Stolen Generation are through lengthy and expensive legal proceedings.

1.11 The case of Bruce Trevorrow is one that was frequently referred to in this inquiry. It shows the great time, expense and trauma it takes to get such cases to court. Many Indigenous elders are passing on at an incredible rate and do not have the luxury of waiting another decade battling various governments in courts. Litigation being an adversarial system is also a traumatic process that should not be further imposed on people who are already disadvantaged and in need of support.

1.12 The ability to explore legal avenues also presupposes that applicants have financial means in the first place unless they are able to avail themselves to pro bono advocates. Many already suffer financial hardship and damaged lives. It must be remembered that there are many Stolen Generations members who were also further affected by policies which withheld the monies they earned. The term Stolen Wages is appropriately applied to this practice. It has been the subject of a previous report by this Senate Committee tabled in December 2006.<sup>1</sup> I take the opportunity to remind the Senate that eighteen months later there has still be no government response to this unanimous report.

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1 [http://www.aph.gov.au/Senate/committee/legcon\\_ctte/completed\\_inquiries/2004-07/stolen\\_wages/index.htm](http://www.aph.gov.au/Senate/committee/legcon_ctte/completed_inquiries/2004-07/stolen_wages/index.htm)

### **Recommendation 1**

**1.13 I agree with the majority Committee recommendation that the Bill not proceed in its current form, but also recommend that the Bill be modified by adopting the amendments proposed by PIAC/AHRC's submission as shown in their Stolen Generations Reparations Tribunal Bill, which should then be passed by the Senate.**

### **Recommendation 2**

**1.14 To further enhance the effectiveness of Recommendation 2 in the majority report, funding should be made available for specific initiatives. One such initiative could be convening a conference to provide opportunities for those removed from their families to determine future policy in relation to the support required to address the effects of separation from their families for themselves, and their families.**

### **Recommendation 3**

**1.15 That further support be provided to develop and promote factual historical information about the Stolen Generations and the effects of previous government policies which removed Indigenous children from their families.**

**Senator Andrew Bartlett**

**Australian Democrats**

