



## **Submission to the Inquiry into the Stolen Generations Compensation Bill 2008**

April 3, 2008

**To:**

Senate Legal and Constitutional Affairs Committee  
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**Authorised by:**

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To The Committee,

Reconciliation Victoria welcomes the opportunity to contribute to the Senate Legal and Constitutional Affairs Committee's inquiry into the Stolen Generation Compensation Bill 2008.

**Summary**

The argument for some overarching process by which to compensate Indigenous people, now described as members of the 'Stolen Generations', is compelling. That a large number of Aboriginal people – including Stolen Generation members, their family members, and community members - have experienced pain and suffering as a direct result of government policies to forcibly remove Indigenous children from their families is now irrefutable.

Precedents have already been set for some victims to receive significant monetary compensation through the legal system, and at least one State Government has acknowledged that a central state run Compensation Fund is both prudent and humane in avoiding the additional trauma (and cost) that protracted legal battles can cause to both sides.

The stories have been told, the injustices have been acknowledged, and indeed many of the solutions have already been mapped out.

The 1997 Bringing Them Home report details 54 recommendations – including the key recommendation for reparations to be made by the Federal government which should include: an acknowledgement of responsibility and apology from all Australian parliaments, police forces, churches and other non-government agencies which implemented policies of forcible removal; guarantees against repetition; restitution and rehabilitation and *monetary compensation*.

Reconciliation Victoria commends the introduction of the Stolen Generations Compensation Bill 2008, and urges the Committee to look at ways of implementing *all* of the Bringing Them Home report recommendations while ensuring that extensive consultation is carried out with stolen generation members and Indigenous communities before locking in a payment process for compensation.

Our own, limited consultations with Rec Vic Indigenous members and supporters has indicated that another vital step towards healing involves a widespread and sustained education campaign to ensure that the Australian community understands the truth of what happened to the Stolen Generations and the impact that forcible removal policies continue to have on the lives of Indigenous people.

The recent apology by the Prime Minister finally acknowledges that the policies and practices of forcible removal are no longer considered acceptable.

Our argument is as follows;

1. **The policies**, whether well meaning or not, were and continue to be fundamentally immoral. Even in the context of the time they were immoral, as evidenced by the (albeit small and muted) opposition at that time. The removal of children, the destruction of families, culture, belief systems, language, community structures and authority was and is immoral, and had deep and ongoing consequences for Indigenous families and communities. This destruction lies at the heart of *meaning*. Without meaning, communities become lost; without community, individuals become lost, unwell and self-destructive. The attempted destruction of Indigenous society was a wilful, concerted attempt to destroy and the consequences continue to be felt today.

The policies that fed this attempted cultural genocide remain despicable, especially because the weapon used to achieve its goals, were the children of Indigenous society. Compensation is routinely paid by Governments when a wrong has been committed or where unjust policies inflict unnecessary trauma. (Ie, the case of Cornelia Rau, victims of crime, returned soldiers etc.) The attempted destruction of Indigenous peoples was far more systematic, long lasting and cruel than any other committed against people in Australia's history, and these acts were committed against Indigenous people by the authority of government.

2. **The practices** embraced by many to enforce these policies were and remain reprehensible. While individual practice may well have often been honourable, many Indigenous people experienced neglect, abuse (psychological, sexual, verbal and physical), deprivation and exclusion within the environments to which they were forcibly removed. When they left these places, Indigenous people mostly report that these remained the conditions of their life.

That many other children have been so exploited and abused – for example the children from England, who were brought to Australia without consent – is immaterial. All humans have basic rights and when their rights are deliberately (and even unintentionally) abused, they deserve to be compensated. The situation of these English children, refugees, inmates of detention centres and prison camps are all valid and deserve the attention of the government. This inquiry is about Aboriginal people and the moral imperative to offer compensation must be honoured.

3. **The impacts** of these policies are still felt, for many, very powerfully. Reading any of the reports and books written about the 'Stolen Generations' paints a very clear picture of what these policies have meant to Indigenous peoples. The removal of Indigenous peoples from their lands has had its own consequences, compounded by the impact of the removal of their children. The core consequence is psychological, economic and physical dispossession; but dispossession has impoverished Indigenous people beyond the psychological, physical and economic – it has impoverished their very soul, at the core of their being, their spiritual connections to everything.

These impacts have become generational and endemic, even for those Indigenous people who have moved into the cities and more-or-less appear to be doing well. Indigenous people need to be able to try for a new start.

### **Where to from here?**

The Prime Minister's apology on behalf of the government and the somewhat qualified support of the opposition are major achievements which set the scene for the next step. This apology creates an opportunity for this new start, but compensation for the brutal treatment and dislocation are needed to reinforce the government's intentions in assisting Indigenous people in rebuilding their communities in the ways that best suit them.

Reconciliation Victoria supports the creation of a Stolen Generations Fund to compensate eligible applicants - including living descendants of Indigenous stolen generation members. We would also support an ex-gratia payment and an additional amount for each year of institutionalisation **providing these amounts are as negotiated with a wide range of Indigenous people.** The alternatives are long, drawn out legal

procedures and the ongoing pain, suffering, increased levels of anger, frustration and the sense of betrayal felt by Indigenous peoples.

New starts require resources, skills, opportunities and time. Means by which the healing can begin must be accompanied by solid commitments to combat racism, create employment opportunities, build housing, make schooling accessible and find the means of encouraging and resourcing Indigenous entrepreneurship.

Without some compensation scheme and an accompanying set of programs (framed, controlled and operated by Indigenous people), to enable new starts, the opportunities created by the apology will be lost. The apology itself will become just more hot air; another false start in a long tradition of betrayals by governments and institutions of the non-Indigenous society.

Reconciliation Victoria applauds the component of the proposed Bill which allows for the additional support of healing centres and other assistance for people in receipt of compensation. We would make an additional recommendation in relation to the reclamation of birth names for stolen generations members and their families. Currently, members of the stolen generations are charged a fee in order to revert to their original names held prior to being removed. For many, this is adding salt to a wound and we recommend that such fees be waived by the appropriate government department in each State and Territory.

Monetary compensation is a necessary step towards acknowledging and redressing past injustice. It is not the only step. Systemic injustices require systemic solutions, and while individuals have a right to compensation for individual wrongs, as a society we must find ways to heal the social problems created by these injustices. The recommendations of the 1997 Bringing Them Home report provide a good framework for such healing and Reconciliation Victoria urges the committee to look at ways that all 54 of these recommendations can be implemented as a matter of urgency.

If Reconciliation Victoria can be of any further assistance, please contact our CEO, Frank Hytten on (03) 9662 1645 or the address below.

Sincerely

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