

Submission for the Stolen Generation Compensation Bill 2008: A Bill for an Act to provide for ex gratia payments to be made to the stolen generation of Aboriginal children, and for related purposes.

I am what would be classed as a typical representative of an Australian citizen. I was born in this country; both sets of my grandparents are of English descent. I grew up as a middle class resident in the northern beaches of Sydney and attended a public primary school and catholic secondary schools and TAFE. Growing up I didn't know any 'aborigines'; they were just forlorn creatures in our history books declaring the triumphs of Captain Cook and the struggle of our early settlers. I had no personal experience of them to form any opinions, negative or positive. As a young adult I moved to Taree and had my first interactions with Indigenous people who lived in the suburbs like me or on a small reserve out of town. I heard all the negative stories, but judged them as I found them, the same as I would anyone else and I couldn't understand why there was such animosity towards my new co-workers and friends and the cautiousness of these people with other 'white' towns people. I didn't question them on their past, I didn't query why they lived on the mission, why they were hesitant using the hospital or employment services where I worked. It didn't affect me, so I didn't question anything. Then one of the girls I grew up with in suburban Sydney applied for an Aboriginal loan to assist her buying a house. I was shocked; I had grown up with this family. They lived in the same street and had four children, the oldest a year younger than me. I knew their father was from Yugoslavia, orphaned by the war, and I thought their mother was of Italian descent and she was very shy. I had seen the grandmother once, she had dark olive skin, but she didn't speak to us and avoided any interaction; I assumed she didn't speak English. So finally I asked. How come I didn't know they were Aboriginal? The answer stunned me. It was a secret because their mother was frightened of the police taking the children away, just like she had been. When the grandmother visited that one time I saw her, she had just been reunited with her daughter and they had tried to hide her from the neighbours for fear of being identified as Aboriginal. Suddenly my views on Aboriginal identity and my comfortable ignorance were being challenged. My friends' happy suburban lifestyle had hidden a deep fear incomprehensible to me.

So I started asking questions and seeking information to explain how situations similar to the persecution of the Jews, could happen in my country; a country that I am fiercely proud of in the conviction that we have freedom, mateship and a belief that everyone deserves a fair go. My questioning and research has lead me to find that there has been

no fair go for our own Indigenous people, other nations have fared better than our original inhabitants. The statistics on health housing, incarceration, employment and life expectancy are horrific. Generational fragmentation of family and separation from homeland has created a group within our affluent society that suffers both institutional and personal racism, resulting in a level of disadvantage lower than some third world countries. This makes a mockery out of our endorsement of the Universal Declaration of Human Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, and most recently the United Nations Declaration on the Rights of Indigenous Peoples.

Government funded reports such as the Social Justice Report 2007 referred to the incidents of violence in Indigenous communities and found underlying factors related to the historical experience of Indigenous peoples: *"Contemporary violence cannot be separated from past experiences of colonisation, including the forcible removal of children from their families. Many communities have not recovered from colonisation; with the worst incidence of violent crimes are all former missions"* The Bringing Them Home report refers to the need for healing to try to correct the disenfranchisement most Indigenous people feel that result in the level of violence, suicides, fractured families and poor health unacceptable to most Australians. This healing process was addressed in the Social Justice report 2007 as a main factor in addressing these issues. "Healing can occur at the individual as well as community level. It aims to deal with different layers of trauma experienced by Indigenous communities. Often, healing will seek to mend the harms of the past, as well as contemporary manifestations of trauma through violence and abuse in communities. Healing is holistic so these two layers of hurt cannot be separated. Judy Atkinson describes this as 'transgenerational trauma'. Others refer to it as historical trauma theory. It supports the notion that an individual does not have to experience such events in their own life to suffer – traumatic events in the lives of one generation reverberate in the next. What is required is treatment and 'healing' on a massive scale, including the healing of individuals, families and whole communities. Without intervention and without healing and recovery from the long-term effects of the underlying longitudinal causes of violence impacting on Aboriginal people as well as the situational and precipitating factors, cycles of inter-generational violence will continue."

These reports, funded by taxpayer money, keep coming to the same answer, that healing needs to occur before any changes can be

achieved. Yet successive interventions, again funded by the public purse, fail to act on these recommendations. Our new Prime Minister has finally voiced the longed for public apology that touched many Australians, and started the road to effective healing, but for those personally touched by the ramifications of the Stolen Generation, there is no tangible manifestation of that apology. Senator Andrew Bartlett's Stolen Generation Compensation Bill 2008 is an effective tool for addressing this. A compensation payment acknowledges a person's pain and this pain is recognised amongst the Stolen Generation. An appropriate compensation process is essential for genuine healing and justice.

A past politician falls of a bike and sues for thousands of dollars, an intruder trips over a hose and sues for thousands of dollars, fishermen are compensated for the loss of fishing access for millions of dollars and just cast their lines a bit further away, and we witness a car accident and can sue for trauma. There are so many avenues that people take to be compensated for perceived injustice and damage. Why shouldn't there be a fund put aside for people who have experienced the trauma and the sexual abuse and the endless trauma that's incurred and whose lives have been on missions and have been part of a displaced people. Yet our Government has spent millions fighting cases on Indigenous compensation. The Gunner-Cubillo case is an example of where the only people to benefit were the lawyers. The complainants were made to suffer and justify their lifestyle and own right to family. It cost the Australian taxpayer \$11.5 million dollars for this exercise in justification of insupportable policy. Money taken out of the purported millions spent on Indigenous issues. This use of our money was not in the interest of improving Indigenous standards of living. Bruce Trevorrow did win his case, but at what cost. 13 years of explaining his own worth, affecting his health and any pay out would not cover the trauma that the courts imposed trying to devalue this mans rights; rights the rest of us take for granted.

Surely the cost of fighting these cases would be better-applied giving compensation, and in the long tem more cost effective, to those recognised as affected by the Government intervention of child removal, as outlined in the Stolen Generation Compensation Bill 2008. The Bill is not unreasonable or overly broad, but it does address major black spot in our history that we can redress. The people of Australia voted overwhelmingly to amend the Constitution in 1967 so that the Parliament of Australia would be able to make special laws for peoples of the aboriginal race. It is time this Government acted on this mandate. As an Australian citizen I would expect no less to ensure our

ethos of a fair go is maintained. Human Rights and Equal Opportunity Commission 2008 quotes the Israeli philosopher Avishai Margalit 'Without the possibility of self-respect, a person's life has no point; pursuit of life's goals is a meaningless exercise'. Allow our fellow citizens suffering from generations of disadvantage by public policy some dignity and respect by acknowledging that pain in a concrete manner. The amount is not huge, just a token in comparison to the pain but the vindication of that suffering allowing for healing and attainment of self respect is priceless. By passing this Bill our Nation will also achieve international respect and an identity of fairness and mateship that is supported by enacted legislation.

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