

Submission to the Inquiry into the Stolen Generations Compensation Bill 2008

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To: Senate Legal and Constitutional Affairs Committee
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To the Senate Legal and Constitutional Affairs Committee,
The Yearly Meeting
Indigenous Concerns Committee welcomes the opportunity to contribute to the Senate Legal and Constitutional Affairs Committee's inquiry into the Stolen Generation Compensation Bill 2008.

We contend that a large number of Aboriginal people called the Stolen Generations have experienced pain and suffering as a direct result of government policies to forcibly remove Indigenous children from their families. These policies were fundamentally immoral and have had destructive consequences for individuals, Indigenous families and communities. The reports and books written about the 'Stolen Generations' paint a clear picture of psychological, physical and economic dispossession and their consequences: poverty, physical and sexual abuse, decrease in life expectancy, absence of meaning in their lives, impoverishment of their souls at the core of their being and destruction of their spiritual connections and creative potential. In addition Governments' forcible removal of Aboriginal children from their families constituted attempted cultural genocide and destruction of Indigenous society. All humans have basic rights and when their rights are abused, they deserve to be compensated. Compensation is routinely paid by Governments when a wrong sanctioned by the Government has been committed or when unjust policies inflict unnecessary trauma, for example the compensation that the Australian Government paid to Cornelia Rau.

The Prime Minister's apology on behalf of the Government creates an opportunity for reparation and compensation for Aboriginal people of the Stolen Generation. However, without some monetary compensation scheme, together with an accompanying set of programs to enable new starts, opportunities created by this apology will be lost. The 1997 Bringing them Home report lists 54 recommendations that the present Government may use as a model for its reparations and compensation initiatives. They include acknowledgement of responsibility and apologies from Australian parliaments and from other agencies which implemented policies of forcible removal. They were police forces, churches and some non government agencies. Implementation of these recommendations would ensure that there is no repetition of the despicable practice of forcible removal of Aboriginal children from their parents. The recommendations further aim to provide restitution through monetary compensation and rehabilitation. Monetary compensation is necessary to reinforce the government's intention to assist Aborigines of the Stolen

Generation as individuals and help them to rebuild communities in the way that best suits them.

The Yearly Meeting Indigenous Concerns Committee supports Government creation of a Stolen Generations Fund to compensate eligible applicants-including living descendants of Indigenous Stolen Generation members. This could include an ex-gratia payment with an additional amount for each year of institutionalisation. However, it would be necessary to negotiate both these amounts and means of payment with a wide range of Indigenous people, especially members of the Stolen Generation.

The Yearly Meeting Indigenous Concerns Committee applauds part of the proposed Bill allowing for the additional support of healing centres and other assistance for people who receive compensation. We would make a further recommendation in relation to the reclamation of birth names for stolen generation members and their families. The Yearly Meeting Indigenous Concerns Committee hopes that the Government would abolish the need for Aboriginal people to pay a fee in order for Stolen Generation members to revert to their original names they held prior to removal from their families.

Yours sincerely,
John P. McMahon