



Senate Inquiry Submission From: National Sorry Day Committee

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To: Legal and Constitutional Committee (SEN)

Submission into the Inquiry into the Stolen Generations Compensation Bill 2008

Committee Secretary

Senate Standing Committee on Legal and Constitutional Affairs

Department of the Senate

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Parliament House

Canberra ACT 2600, Australia

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Dear Sir/Madam

The National Sorry Day Committee (NSDC) was established in 1998 and has been incorporated since January 2001. The networks and memberships are made up of both Indigenous and non-Indigenous volunteers, including members of the Stolen Generations. It operates on a reconciliatory basis that upholds a positive partnership between Indigenous and Non-Indigenous Australians working with the commitment, dedication and involvement of both Indigenous and Non-Indigenous Australians. The aims of the NSDC include:

- The encouragement of Indigenous and non-Indigenous Australians to work for recognition and justice both for Indigenous people forcibly removed from their families as children, and for their families and communities.
- To monitor and lobby for the implementation of the recommendations of the Bringing Them Home report, including those related to the separation of Indigenous children.
- To assist the process of healing among those who were forcibly removed, their families, the Indigenous community and the wider community and
- To educate the general community on the history and continuing effects of policies of forcible removal.

In appreciating the reasons for the referral and principle issues of the Stolen Generations Compensation Bill 2008, the NSDC is registering this submission to support the examination of the provisions of the bill, namely:

- examining the viability of the proposal compensation model, including examining existing domestic and international compensation models. Specifically those of Queensland, Western Australia, Tasmania and South Australia domestically, whilst considering the recent Canadian Government compensation scheme for First Nations Canadian children forcibly removed from their reservations and sent to ‘Residential Schools’.
- reviewing any relevant unimplemented recommendations of the bringing them home report,

The long term principles of the ALP National Platform and 2007 Constitution, under Chapter thirteen: “Respecting Human Rights and a Fair Go”; principle 125, indicates that the ALP recognises this assertion, and as such supports the acknowledgement and responsibility of their predecessors.

PRINCIPLE 125. Labor recognises that past government policies, which separated Indigenous children from their families continue to have adverse economic, social and cultural effects. The trauma caused by these policies continues to affect all generations of Indigenous families, including the younger generation

The long term principles of the ALP National Platform and 2007 constitution, under Chapter thirteen: “Respecting Human Rights and a Fair Go”; principle 126, indicates that the Labor Government will uphold all requirements of recommendation 5a. This includes appropriate reparations as indicated in the remaining 53 recommendations. This must also include the 11 recommendations that are specific to Monetary Compensation.

PRINCIPLE: 126. Labor will provide a comprehensive response to the Bringing them home Report, including a formal apology. Labor will also ensure that remedial initiatives such as link-up and family history programs and Bringing Them Home counselors are adequately resourced to meet demand

During the process of consultation and negotiation of the Apology and its delivery, the Rudd Government announced that there would be no compensation, Minister Macklin also indicated to the NSDC Consultative Team, that there would be no reference to Reparations in the delivery of the Apology because of the direct association to Monetary Compensation.

The focus of recommendation 5a, of the *Bringing them home* Report, is that of acknowledgement and Responsibility.

‘Acknowledgement’ relevant to the content and delivery of the Apology, and **‘Responsibility’** relevant to reparation in recognition of gross violations of human rights.

The NSDC asserts that there should be a specific response to the particular circumstances of those forcibly removed - this is different and distinct from the circumstances of Indigenous peoples more generally.

The National Sorry Day Committee’s position is that:

1. Saying “Sorry” is a necessary and important beginning, but only a beginning.
2. The whole of recommendations 5a has to be addressed in order to give true meaning and value to the Apology. It is about **“Reparations”** which embraces Acknowledgement & Apology, Rehabilitation, Restitution, Measures against Repetition and Monetary Compensation.
3. Saying Sorry cannot and should not be used as a quick fix to the needs and rights of the Stolen Generations. This will only violate these principles and betray the trust of the Australian people.
4. Reparations, including monetary compensation is a critical item that must be addressed.

5. Closing the GAP: Health, Housing, Employment, Education and Training will follow the effective implementation of points 1-4.

In closing, the NSDC supports the need for a full audit and an ongoing monitoring process that will assist in achieving the full implementation and fulfilment of all 54 recommendations of the BTH Report. That to accomplish true reconciliation for Australia and to truly Close the Gap, monetary compensation must be paid. The NSDC members commend Senator Bartlett and the Senate Committee for the Bill and its consideration.

The NSDC agrees with others who have submitted to this Inquiry that care should be taken with the definition of who is eligible to receive compensation and the framing of compensation levels and amounts to ensure a just outcome to Stolen Generations survivors; and the Committee takes advice on this from participants to this Inquiry.

The NSDC would welcome the opportunity to speak to these issues before the Committee in the near future.

Regards

The National Sorry Day Committee Executive

Helen Moran
NSDC Indigenous Co-Chair

Sally Fitzpatrick
NSDC Non-Indigenous Co-Chair