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Committee Secretary
Senate Legal and Constitutional Affairs Committee
Department of the Senate
PO Box 6100
Parliament House
Canberra ACT 2600

**Submission to the Inquiry into the Stolen Generations Compensation Bill
Reconciliation Australia, April 2008**

Reconciliation Australia believes the Parliamentary apology to members of the stolen generations on 13 February has been a transformative experience for Australia.

It was a fundamental step in building a respectful relationship between Indigenous and non-Indigenous citizens and has generated widespread support for doing things differently - to ensure our actions are the right ones to deliver meaningful, measurable results.

We encourage the Australian Government to consider all of the recommendations put forward in the *Bringing Them Home* Report. Reparations are an important and accepted way of acknowledging and addressing past wrongs internationally. They reinforce the message that there be a guarantee that wrongs such as forcibly removing children never be repeated.

Reparation is a concept which is broader than compensation, covering a range of measures aimed at trying to repair the damage, for example helping people to return to country, to reunite with family and community, and to learn about the culture and heritage they lost. The final component of reparation is compensation.

The issue of financial compensation to members of the stolen generations is controversial for some people. Yet most of the categories of harm for which people would be claiming compensation already exist under Australian law - such as physical, sexual and emotional abuse, economic loss and pain and suffering. Money cannot bring back years of lost childhood, but justice demands that stolen children should be treated equally by the law.

The value of the apology to most non-Indigenous Australians is its capacity to put this lingering piece of “unfinished business” behind us so that we can move forward no longer as “us and them” but as “we”, as a team. We believe Australians will accept a compensation strategy from the new Government that offers the best chance of that.

Reconciliation Australia proposes that the Government establishes a “healing fund” that incorporates the \$15 million already set aside for Link Up services, plus extra money for counseling and other relevant services specifically needed by the stolen generations. The exact form should be determined in close consultation with stolen generations bodies.

In addition to this, the Australian Government should work with State governments to reach agreement on compensation being made available by them, with the Commonwealth taking responsibility for the Northern Territory. The Tasmanian Government has already implemented a compensation program that provides a useful framework for other States to consider. Similarly, Western Australia has committed to a compensation program and the South Australian Government has said it will consider options.

The Canadian Government has also provided a package of reparations for Indigenous children who were sent to their residential schools. This program includes a ‘common experience payment’ of \$10,000 (CAN) per student for the loss of language and culture plus a further \$3,000 per student per year that the student spent in the residential school. A further payment is available for students who suffered abuse. The Canadian system also provides a mechanism for students whose records have been destroyed to use ‘year books’ and alternative ways to prove their attendance at the schools with up to two years allowed to provide such evidence as part of a payment claim. Reconciliation Australia recommends that the Government consider taking evidence from the Canadian and other international experience.

Before the establishment of these payments, there were estimated to be around 1200 individual cases before the courts and the legal system was having difficulty coping with the volume of cases (this information is based on advice provided to RA during meetings with representatives of First Nations bodies on a recent visit to Canada). These representatives strongly supported the Canadian system of payments which they said was more consistent with promoting reconciliation than the adversarial court system.

We know that the Government is on the public record ruling out any form of financial compensation. However, this should not stop the Government from listening to the views of Indigenous and other Australians and being prepared to respond to those views. The new Government has emphasised the importance of respectful consultation with Indigenous Australians, of being able to balance competing views and make decisions in the country’s long-term interests. We

urge the Government to consider the evidence both here and overseas in this issue and to reconsider its position on reparation options which include financial compensation.

The Prime Minister understands that recognising and working to heal wounds of the past is an essential aspect of closing the life expectancy gap between Indigenous and non-Indigenous Australians. As the Government has said repeatedly, building a respectful relationship between us as fellow Australians is an essential precondition to improving practical outcomes. Some commentators have created a false divide between so-called “symbolic” aspects of reconciliation and practical issues like health and education. The reality is that how people feel about themselves, and whether they feel their history and culture are respected is a key element of facing problems and being able to turn things around.

Governments inherit the laws and practices of previous governments, and so too they inherit responsibility for past actions. We as Australians need to acknowledge the effects that past policies had on Indigenous people and the hurt that has been caused to a group of Australians on the basis of their race. Our preparedness to face up to Australia’s mistakes should be unequivocal and should therefore incorporate compensation as a core component of a reparations package.

This is about healing and reconciliation for the benefit of us all.

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