

INQUIRY INTO OVERCOMING INDIGENOUS DISADVANTAGE

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Submission to the New South Wales Parliament Standing Committee on Social Issues

Legislative Council
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**New South Wales Parliament Standing Committee on Social Issues
Inquiry into Overcoming Indigenous Disadvantage – Closing the Gap**

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“Justice requires both acknowledgement of harm and measures aimed at repairing the damage” (Durbach, Davies, 2007)

A human rights framework

Principles for responding to the effects of forcible removals must be developed from an understanding of Australian history as having included gross violations of human rights. International human rights treaties and norms of customary international law impose obligations on countries to respect human rights standards and to prevent their violation, including by private persons (Forde 1985 pages 271-8, Meron 1989 pages 156-9 and 162-9, van Boven 1993 para 41). States breach their obligations when they fail to prevent human rights violations by others as well as when human rights are violated by state action. In either event the victims have a right to reparation. (HREOC, *Bringing Them Home Report*, 1997: 243)

NSW Sorry Day Committee Inc.

The New South Wales Sorry Day Committee Inc (NSW SDC) is based in Redfern but has networks with other members of the Stolen Generations both within New South Wales and inter-state. We are also the state affiliate to the National Sorry Day Committee, the peak national advocate for the Stolen Generations since 1998. Our Committee is made up predominantly of members of the Stolen Generations (SG) who as children had been placed in institutions or fostered or adopted into non-Aboriginal families. Most of our members were removed from their families here in New South Wales and taken to institutions in New South Wales, such as Kinchela Boys Home, Bomaderry Children’s Home, Cootamundra Aboriginal Girls Training Home, Parramatta Girls Home, Mittagong Boys Home, Clairvoux and others. Our Stolen Generations members are now our well respected Elders and make a significant contribution to the Aboriginal and broader communities. The NSW Sorry Day Committee is an Aboriginal controlled organisation and besides Stolen Generations members, Our Committee also includes members from the

wider Aboriginal community. We also have a strong group of non-Aboriginal supporters who are associate members of our organisation.

Our Committee consults broadly and attempts to talk with as many members of the Stolen Generations as possible. This process takes time and is treated with the utmost sincerity, sensitivity and respect. Agreement is usually reached through consensus. Meetings are held on a weekly basis at Redfern. The meetings attract dedicated committee members who represent the children taken to various government institutions and church “homes” throughout NSW, and also children who had been adopted or fostered. Attendance at the meetings is voluntary. News from our meetings is spread by phone, fax, email and personal visits.

For the purposes of this inquiry the NSW SDC would like to address three of the Standing Committee’s terms of reference – (b ii), (b iii) and (b vii) and the relevance of these terms of reference to members of the Stolen Generations, their families and communities in New South Wales. The NSW SDC hopes to demonstrate through this submission the continuing legacy of past Indigenous child removals and how the lack of recognition surrounding this legacy, continues to negatively impact on both those who were directly removed and their descendants and families. This lack of recognition – as demonstrated in the outstanding recommendations from the *Bringing Them Home Report* which both the NSW State Government and the Federal Government have not fulfilled – continues to disadvantage members of the Stolen Generations and will prohibit ‘closing the gap’ and overcoming Indigenous disadvantage. The *Bringing Them Home Report* and the full implementation of all 54 Recommendations from that Report, are the key to where the NSW State Government can begin to counter some of the intergenerational legacies that continue to negatively impact on the members of the Stolen Generations of NSW, their families and Aboriginal communities of NSW.

Terms of Reference

B (ii) health and well being

1. Statistics Relating to Aboriginal and Torres Strait Islander Australians who were removed

In its latest report relating to the *Bringing Them Home Report* and the situation facing Aboriginal and Torres Strait Islanders who were affected by past practices of Indigenous child removals, the Ministerial Council for Aboriginal and Torres Strait Islander Affairs (MCATSIA) found that

...those who were removed from their families suffered poorer outcomes over a range of discrete socio-economic indicators. (MCATSIA, 2006: 8)

The Report suggests that there is not one specific area in which removed Aboriginal and Torres Strait Islander Australians tended to suffer the most. (MCATSIA, 2006) **Rather Aboriginal and Torres Strait Islander Australians who were removed tended to suffer disadvantage over a range of indicators, which would suggest**

that their quality of life and social and emotional well being, is worse than their non removed Indigenous counterparts.

The consequences of forced removal are also addressed in the report 'Social Determinants and Indigenous health' (CSDH, 2007).

'...perhaps the most crucial factor [concerning Indigenous health] is the breakdown in traditional social structures, of culture and of language.'(CSDH, 2007, p11)

The report highlights the importance of generational transmission of cultural and linguistic structures and their impact on health and well-being. A report by the Australian Institute of Health and Welfare, conducted by Dr Lisa Jackson Pulver (2006, p15), agrees and argues for the connection between Aboriginal and Torres Strait Islander health and social factors, listing the separation of families as one of the elements.

It should be remembered that in 1997, when the *Bringing Them Home Report* was released, it was the New South Wales State Government which was the first State government to formally apologise to members of the Stolen Generations. The then current Premier, Bob Carr, officially apologised on behalf of the people of New South Wales on June 18th 1997, less than a month after the tabling of the *Bringing Them Home Report* in the Australian Federal Parliament. This demonstration of leadership was followed with apologies from the NSW Police and the NSW Department of Community Services. The former apologised for its past participation in the removal of Indigenous children from their families and communities, and the latter for its predecessor departments' role in those removals.

Policies and Programs relevant to the Stolen Generations, their families and communities

Since the NSW State Apology, most of the money that has been spent by the NSW Government for members of the Stolen Generations of NSW, their families and communities has been spent in the following ways:

1. Link Up NSW: to help fund reunions between members of the Stolen Generations, and their families, as well as counselling support during this process. They hold 2 annual weekends for all clients of Link Up – all members of the Stolen Generations – to come together. Link Up also works with individuals who are incarcerated and who have been removed as children, providing them support during their incarceration. Link Up NSW has recently expanded its work to include a Family Link Worker who takes cases referred by the Department of Community Services (DoCS) and works with parents / families in crisis, supporting Aboriginal foster carers and working to keep cultural links for those Indigenous children who are in non-Indigenous foster care placements.

2. Bringing Them Home Counsellors and Social and Emotional Well Being programmes: These are run through the various state Aboriginal Medical Services and other Aboriginal corporations. The purpose of these programmes is to help support members of the Stolen Generations in the area of mental health and improve general social and emotional well being of those who were removed and their families. S&EWB – terms of reference health and well being in OATSIH report – factors are viewed differently that need to be taken into account
3. NSW Sorry Day Committee: Most of the funding that we have received has come through the help of the Department of Aboriginal Affairs, the NSW State branch of OATSIH as the NSW State branch of FACSIA. Recently, and through the support of the Department of Aboriginal Affairs, a whole of government approach which included a range of state departments, helped support us in our Sorry Day Commemorations for 2007 which, to commemorate the 10th anniversary of the tabling of the *Bringing Them Home Report*, enabled us to organise a state march for the Stolen Generations on George Street in Sydney and an event at Circular Quay. Limited funding since 1998 increasing in the past few years and no recurrent funding has been secured. This causes stress
4. Local Government and other funding support to members of the Stolen Generations who run healing programmes and funding to reconciliation groups who hold Sorry Day events.

Key Issues relevant to the health and well being of members of the Stolen Generations

1. **The NSW SDC highly recommends that rather than the NSW State Government investing resources in another report with further recommendations, the NSW State Government conduct a status audit of the *Bringing Them Home Report* recommendations relevant to the NSW jurisdiction.**
2. **That the NSW Government conduct a status audit of all relevant NSW Government departments and their agencies which have received monies, both State and Federal, for programmes targeting the Stolen Generations and their families.**

3. That the NSW Government also conduct a status audit on all monies and resources allocated for responding to Recommendations from the *Bringing Them Home Report*
4. No whole of government approach at the State level exists which concentrates on the needs of the Stolen Generations and their families. NSW Members of the Stolen Generations need to sit on the Department of Aboriginal Affairs Two Ways Together Advisory board. Members of the Stolen Generations should be funded to establish a State consultative group that can inform State Government departments at the policy level and in their work with Aboriginal people and communities in order to represent the specific needs of the Stolen Generations. This would allow for more inclusion of the needs of the Stolen Generations and their participation in government policy relevant to them.
5. No funding has been allocated by the NSW State Government which would allow for the creation of a specific, culturally appropriate state based archives where individuals who were removed, and their families, would be able to store their records and where family members and communities could access, as appropriate, these invaluable historical records.
6. There has also been no adequate funding for members of the Stolen Generations, specifically, and their families to record their stories, either orally or through other media. Maybe add: Link Up NSW and the NSW Sorry Day Committee are currently conducting a project which will be a multi media installation for Sorry Day 2009, which will also document all of the 'homes' Indigenous children were sent to in NSW and have them heritage listed. The project does not though have the resources to possibly consider recording all members of the Stolen Generations who want to tell their stories, a process which has proved invaluable in other places, such as South Africa and its Truth and Reconciliation hearings and in Canada and its Truth and Reconciliation programme for survivors of the Residential Schools.
7. Healing programmes are run more often than not as mini workshops and one off programmes without recognising the need for follow up care and on going support services.

8. No funding is provided for Stolen Generations organisations to exist as specific service providers and support organisations working solely for members of the Stolen Generations and their families. This limits the continuous support for those who were removed from their families and hinders healing at the personal and familial levels, which negatively impacts on community well being more generally. Sorry Day is only one day of the year; members of the Stolen Generations need organisations that offer them a 'belonging place' for all of the other days of the year.
9. The NSW Government has yet to respond adequately to all 54 recommendations of the *Bringing Them Home Report*. There appears to be a minimal number of the 54 recommendations implemented throughout the states. As there has been no recent comprehensive evaluation the exact number is unknown. The fact that no ongoing comprehensive evaluation is occurring leaves doubt that the bringing them home report and the 54 recommendations have been taken seriously by both state and federal governments. Further, the ones implemented have received insufficient funding to carry out the tasks at hand (O'Donahue, 2007).

As mentioned previously the NSW government has apologised for the trauma to Indigenous people highlighted by the Bringing Them Home Report. However, action is required to change the negative trend of Indigenous disadvantage, meaning practical changes to Indigenous policy, including redress and reparation.

"Justice requires both acknowledgement of harm and measures aimed at repairing the damage" (Durbach, Davies, 2007)

An apology is recognition that whilst guilt is not necessarily hereditary, dispossession of land, separation of families and consequent social disadvantage is. With this recognition comes responsibility to act.

Action is crucial for the perceived image of Indigenous people in Australia, both how Indigenous people perceive themselves and the perception of wider Australian society. The intergenerational legacy of this policy needs to be recognized; it needs to be acknowledged that problems we see today are directly related to the separation of families.

Often historical injury is attributed to Indigenous Australians but not the idea that their current situation is a consequence of this (Mackay, 2000, p36). This inquiry is an opportunity to change the social discourse on Indigenous issues in Australia.

The constitutive character of social policy needs to be acknowledged, as policy maintains and recreates groups (preconceptions about what they 'are') within a society. When social tendencies are institutionalised

through policies they will in turn put their mark on society (i.e. form social tendencies). If the social perception of a group changes, policy will have to change to be considered legitimate and this works both ways. This is how societies preconceptions and political practice are connected, in mutual constituency (Mörkenstam, 1999, p41). The responsibility is to address problems created by policies of forcible removal and acknowledge their impact on Indigenous Australians today. This will foster a more thorough perspective of Indigenous disadvantage in wider Australian society, and in doing so advance a more understanding social discourse concerning Indigenous Australians.

One of the most pressing concerns is for a programme in relation to compensation to those individuals who were removed from their families. The absence of compensation worsens injury. (Durbach, Davies, 2007) There are models that the NSW Government could look at both within Australia and overseas. These models If properly developed and delivered, in consultation with Aboriginal people who were affected by the withholding of wages and in this instance who were removed from their families, they can help work towards much belated social justice that is owing these individuals and their families.

(B iii) Education

That all universities in NSW who offer degrees in social work have compulsory models which teach about past Indigenous child removals, *The Bringing Them Home Report*, the inter-generational issues relating to past removals and the impact this continues to have on Aboriginal families in NSW. These courses should include presentations by members of the Stolen Generations, their families and Link Up NSW caseworkers.

This training needs to continue at the professional level with the Department of Community Services – both at the policy level of this government department and at the caseworker / manager levels. Members of the Stolen Generations should be consulted and included in the formulation of support programme and guidelines for all foster carers in NSW who have Aboriginal children in their care. Those organisations funded by DoCS who work with Aboriginal families and who are providing foster carers to Aboriginal children should also have the same training and work closely with members of the Stolen Generations.

(B vii) Infrastructure

Aboriginal Child Placement Principle

NSW has a consistently high rate of Aboriginal children in out of home care; removals based on various reasons. (HREOC, 1997; Libesman, 2004; DoCS, 2005) The result of these high rates of removal is that there are numerous Aboriginal children who are in non-Aboriginal foster care placements. There is a need for the Department of Community Services to allocate more resources so that Aboriginal

and Torres Strait Islander children in out of home care in NSW have continuous and on-going contact with Aboriginal organizations, Aboriginal community events and programmes which support the development of relationships with their Aboriginal and Torres Strait Islander peers and Elders. Their connection to their Aboriginal and Torres Strait Islander culture is paramount, so as not to repeat the negative aspects of previous Aboriginal and Torres Strait Islander child removals, where such identities and contact were not encouraged and actively discouraged. These children form part of the future of the Aboriginal communities of NSW and should not be lost to those communities.

The Way Forward

Unless the *Bringing Them Home Report* recommendations are fully implemented, it is unrealistic to expect that life expectancy will increase and the gap between Aboriginal and Torres Strait Islander Australians and their non-Indigenous counterparts will 'close.'

The NSW Sorry Day Committee cannot express just how significant these issues are, both to us who are members of the Stolen Generations, but to our children, our children's children and for the future of our families and our communities. The NSW Sorry Day Committee would be more than happy to meet with your Committee to discuss these issues and possible ways forward to ensure that the legacy of these past Indigenous child removals can be turned into something which can work towards overcoming the disadvantage suffered by members of the Stolen Generations specifically, and which works at overcoming the general disadvantage of the Indigenous population generally.

It is only through these measures that the NSW State government can show its maturity and willingness to support the self determination and empowerment of the Stolen Generations members and their families of NSW.

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