

**INQUIRY INTO REPARATIONS FOR THE STOLEN
GENERATIONS IN NEW SOUTH WALES**

Organisation: Reconciliation for Western Sydney Inc

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LL, PB

Legislative Council
The Director
General Purpose Standing Committee No3
Parliament House
Macquarie Street
SYDNEY NSW 2000

Dear Committee Chair and other Committee Members

Email: gpscno3@parliament.nsw.gov.au

Inquiry into Reparations for the Stolen Generations in New South Wales

Committee members of Reconciliation for Western Sydney Inc. are pleased the Upper House of the New South Wales Parliament will inquire into the effects of the Stolen Generations as a response to the “Bringing Them Home” Report that was released in 1997.

The Issue:

There can be no doubt that tens of thousands of Aboriginal and Torres Strait Islander children were forcibly removed from their families. Nor can it be denied that public servants and others, acting under policies and programs developed as a result of legislation passed by various federal and state governments plus territories carried out acts that created pain, physical damage and emotional trauma even though they had been charged with the task of caring for children’s physical and emotional care.

The report; “Bringing Them Home” examined the heartlessness of treatment meted out to many and noted that for so many the trauma continues to this day. Our former Vice President, Vince Wenberg and several of his siblings endured such “care” in the Kinchela Boys Home and several other children’s institutions.

Our sister organisation, Mt Druitt & District Reconciliation Group, with which we collaborate has held an Annual Apology Commemoration since 2009 for the Apology provided by the Prime Minister in 2008. Many of the Indigenous people in Blacktown LGA are members of the Stolen Generations and in the Commemorations that have occurred each year have given evidence of the trauma they endured and the intergenerational consequences of their experiences.

Few of the recommendations of this report have been dealt with. While Australia is a signatory to a number of relevant United Nations documents, our governments have failed to create suitable remedies and/or reparation for the gross violations of physical and sexual abuse these victims have suffered. Nor have their rights, under our own statutes, or their rights under international human rights laws been upheld.

What can our state government do?

For Survivors:

- Make an unqualified apology for past mistreatment and ensure there will be no repetition of past discriminatory legislation;
- Assistance with rehabilitation (physical and psychological), including with cost-free education, literacy, numeracy and/or vocational training to compensate for past lost opportunities for those who wish to learn new skills; particularly by helping Elders educate both students and the community about their Aboriginal and/or Torres Strait Islander history, language and culture; and;
- Financial compensation – which needs to include funding to support for intergenerational healing and reparation.

For Family members:

- Also need assistance with rehabilitation (physical and psychological), including cost-free education, literacy, numeracy and/or vocational training to compensate for past lost opportunities for those who wish to learn new skills; and
- Financial compensation – which needs to include funding to support for intergenerational reparation.

For the Community:

- Mandatory and extensive Aboriginal and Torres Strait Islander history, language and cultural education programs for teachers and for inclusion in school curricula; and
- Aboriginal and/or Torres Strait Islander history, language and cultural education in the community, especially for those providing services to Aboriginal and/or Torres Strait Islander people.

For the Government:

- Restore respect for a policy of self determination (as agreed to by Australia in the United Nations Declaration of the Rights of Indigenous Peoples) and cultural integrity in policies;
- Review child protection practices which are leading to an increase in forced removals – the Kinship Care Program must be more adequately resourced;
- Re-visit the 'Justice reinvestment' program which is a new approach in tackling the causes of crime and provides a viable option as our prison expansion costs become unsustainable. It re-directs money spent on prisons to community-based early intervention initiatives which aim to address the underlying causes of crime, promising to cut crime and save money. Our Indigenous youth are being incarcerated at alarming rates and there is an increase in female incarceration;
- Negotiate with the Federal government for a better deal for Indigenous community organisations for service delivery – Aboriginal and Torres Strait Islander peoples should be granted support to work for their communities rather than funding well meaning non government organisations;
- Restore funding levels for TAFE courses that allow students to gain literacy, numeracy and vocational skills that lead to employment – that is particularly important for Indigenous students and imperative for women in their thirties and forties who did not have opportunities earlier in their life; and
- Lift the profile of Indigenous people through the arts, music, drama and literary grants.

Tribunal for Reparations:

The Public Interest Advocacy Centre (PIAC) has been involved in a consultative process over three years with members of the Stolen Generations and various peak bodies. We believe their work has much merit.

Their work indicates that an effective Tribunal should:

- Ensure Indigenous people are involved in the design and delivery of reparations processes and outcomes;
- validate the specific experience and identity of the Stolen Generations; and
- acknowledge, both symbolically and substantively, the magnitude of the moral wrong perpetuated against the victims of removal policies and the pain and enduring harm borne by the Stolen Generations and their families;
- recognise the distinct needs of the Stolen Generations
- have a focus on healing beyond the limitations of monetary compensation;
- provide for an inclusive process of accessing and formulating reparations by those eligible for redress;
- permit group claims in recognition of the collective harm which whole communities continue to experience as a consequence of forced removal policies;
- encourage a 'whole of government' and community response to effecting and implementing reparations measures;
- promote a process of truth and reconciliation; and
- prevent repetition of past practices and ongoing harm by considering the effects of existing policies, laws and regulations.¹
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Our Reconciliation for Western Sydney organisation has existed since 1997. We aim to keep Reconciliation on the agenda and to facilitate change. We promote and organise educational, cultural activities and projects, distribute information, participate in local councils' advisory committees and make submissions to public and private bodies in support of Indigenous rights, interests and groups.

We respectfully hope that this General Purpose Standing Committee 3 will lead to justice for the Stolen Generations of New South Wales and all those who suffered from the forced removal policies throughout our nation in the past and continuing, some say, to an even greater extent today.

Yours sincerely

Lyn Leerson OAM
Secretary

Phil Bradley
President

¹ PIAC Submission to the Senate Legal and Constitutional Affairs Committee Inquiry into the Stolen Generations Compensation Bill April 2008

