

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

Organisation: Kinchela Boys' Home Aboriginal Corporation

Date received: 20/10/2015



**Submission to General Purpose Standing Committee No.
3, *Inquiry into reparations for the Stolen Generations in
New South Wales***

18 October 2015

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Dedication

We, the Kinchela Men, dedicate this submission to our brothers who are no longer with us but whose spirits continue to guide us as we keep fighting for justice. We also dedicate this to our families whose lives have been overshadowed by the legacies of Kinchela Boys Home. And we dedicate this to the mothers, fathers and families we lost and who we continue to grieve for.

Kinchela Boys Home Aboriginal Corporation will continue to work towards the healing of the Kinchela men, our families and communities in order to stem the intergenerational trauma that continues to impact on our social, emotional and spiritual wellbeing.



Uncle Manuel Ebsworth (#28), Uncle Vince Peters (#32), Leslie Reynolds, KBH Survivors, 2014 90th Anniversary Commemoration of the opening of Kinchela Boys Home, held at the site of the former Kinchela Boys Home.



Uncle James Michael 'Widdy' Welsh (#36), KBH Survivor, standing with Kinchela Gate replica, 2014

John...spent his first years in Bomaderry Children's Home... At 10 he was transferred to Kinchela.

John

We didn't have a clue where we came from. We thought the Sisters were our parents. They didn't tell anybody – any of the kids – where they came from. Babies were coming in nearly every day. Some kids came in at two, three, four days old – not months – but days. They were just placed in the home and it was run by Christian women and all the kids thought it was one big family. We didn't know what it meant by 'parents' cause we didn't have parents and we thought those women were our mothers.

It was drummed into our heads that we were white.

I was definitely not told that I was Aboriginal. What the Sisters told us was that we had to be white. It was drummed into our heads that we were white. It didn't matter what shade you were. We thought we were white. They said you can't talk to any of them coloured people because you're white.

I can't remember anyone from the welfare coming there. If they did I can't remember ... We hardly saw any visitors whatsoever. None of the other kids had visits from their parents. No visits from family. The worst part is, we didn't know we had a family.

When you got to a certain age – like I got to 10 years old ... they just told us we were going on a train trip ... We all lined up with our little ports [school cases] with a bible inside. That's all that was in the ports, see. We really treasured that – we thought it was a good thing that we had something ... the old man from La Perouse took us from Sydney – well actually from Bomaderry to Kinchela Boys' Home. That's when our problems really started – you know!

This is where we learned that we weren't white.

This is where we learned that we weren't white. First of all they took you in through these iron gates and took our little ports [suitcases] off us. Stick it in the fire with your little bible inside. They took us around to a room and shaved our hair off ... They gave you your clothes and stamped a number on them ... They never called you by your name; they called you by your number. That number was stamped on everything.

If we answered an attendant back we were 'sent up the line'. Now I don't know if you can imagine, 79 boys punching the hell out of you – just knuckling you. Even your brother, your cousin.

They had to – if they didn't do it, they were sent up the line. When the boys who had broken ribs or broken noses – they'd have to pick you up and carry you right through to the last bloke. Now that didn't happen once – that happened every day

Before I went to Kinchela, they used to use the cat-o'-nine-tails on the boys instead of being sent up the line. This was in the 30s and early 40s.

They thought you were animals.

Kinchela was a place where they thought you were animals. You know it was like a place where they go around and kick us like a dog ... It was just like a prison. Truthfully, there were boys having sex with boys ... But these other dirty mongrels didn't care. We had a manager who was sent to prison because he was doing it to a lot of the boys, sexual abuse. Nothing was done. There was a pommie bloke that was doing it. These attendants – if the boys told them, they wouldn't even listen. It just happened ... I don't like talking about it.

We never went into town ... the school was in the home ... all we did was work, work, work. Every six months you were dressed up. Oh mate! You were done up beautiful – white shirt. The welfare used to come up from Bridge St, the main bloke, the superintendent to check the home out – every six months.

We were prisoners from when we were born ... The girls who went to Cootamundra and the boys who went to Kinchela – we were all prisoners. Even today they have our file number so we're still prisoners you know. And we'll always be prisoners while our files are in archives.

- Confidential evidence 436, New South Wales¹.

¹ Bringing Them Home Report, pages 143 - 145

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1. Introduction

Kinchela Boys Home Aboriginal Corporation (KBHAC) supports the NSW Legislative Council's Standing Committee no 3 *Inquiry into reparations for the Stolen Generations in NSW*. It is hoped that members of the Stolen Generations, our descendants and Stolen Generations organisations across NSW will continue to be consulted throughout the course of the inquiry and in the Government's response to all recommendations arising from this inquiry.

KBHAC draws attention to the fact that it is almost 20 years since the National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from their Families and Communities (National Inquiry) took place and almost 19 years since the tabling of the *Bringing Them Home* Report (HREOC 1997) in the Federal Parliament. In NSW, it is 19 years since the former Premier, Bob Carr, apologised on behalf of the state to the Stolen Generations, which was followed by the NSW Legislative Assembly's apology for the NSW Parliament's role in the past policies of Aboriginal child removals. During these 19 years, many members of the Stolen Generations from NSW have passed on, including some of those individuals who participated in the National Inquiry and who were involved in the NSW Government's response to the *Bringing Them Home* report.

The issue of reparations for members of the Stolen Generations and our families, in particular, is a matter of great urgency. Many of the Stolen Generations have passed on and many of us who are still alive are elderly and suffer ill health (some as a direct effect of the policies that led to our removal). So far, in 2015, four of our Kinchela brothers have passed away. They leave behind them close to 20 children, over 30 grandchildren and over 15 great grandchildren. Sadly one of the men passed away without any children. This man had children of his own because of the abuses he incurred in Kinchela and his fear of hurting any child of his own. Time, in other words, is of the essence, both in this inquiry's process, the recommendations the committee makes and the response by government.

The rest of this submission will outline who KBHAC is, KBHAC's experience of the NSW Government's response to the *Bringing Them Home* Report, this Inquiry's terms of reference and our recommendations for consideration by the Committee.

KBHAC would welcome the opportunity to discuss our submission in greater detail and participate in any hearings scheduled for the Inquiry. Questions may be directed to Dr. Tiffany McComsey, CEO, Kinchela Boys Home Aboriginal Corporation at _____ or _____

2. About Kinchela Boys Home Aboriginal Corporation

We need healing and health because we are getting older now... The healing will go on till the day I die. It will not go away. It is still there. Healing leads to an open mind and makes you open to try new things. [I]need to tell my life story to free myself.²

Kinchela Boys Home Aboriginal Corporation (KBHAC) did not exist at the time of the National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children. Some of the former Kinchela inmates participated in the National Inquiry's hearings and provided submissions to the inquiry. 'John's story' that features on page three of this submission is one of the confidential submissions included in the *Bringing Them Home* Report.

KBHAC was established by the survivors of the Kinchela Aboriginal Boys Training Home (KBH), which was located in South West Rocks near Kempsey on the Mid North Coast of New South Wales. KBH was created by the NSW Aborigines Protection Board and directly run and managed by both the Aborigines Protection and Welfare Boards from 1924 to 1970. KBH was one of the more notorious homes examined in the National Inquiry. It was the only Aboriginal boys specific home in NSW³.

KBHAC's origins date to 2001 when some of the KBH survivors approached World Vision Australia to assist them in reuniting the men and help develop an organisation for the KBH men and their families. This led to the 'Y Project', which included healing workshops in both Wreck Bay and Picton NSW. After the workshop in Picton, a small taskforce was established with the purpose of identifying key issues for the Kinchela survivors and ideas about what to do in the future. In 2002 the first office was opened in Redfern. It was also in 2002 that KBHAC incorporated and, importantly, this was the year when the 'Journey Home to Kinchela' took place. This event was the first time most of the former KBH inmates returned to Kinchela since their departure from KBH in their youth. It was also the first time many of the KBH survivors' family members had visited the site.

KBHAC membership is open to all KBH Survivors, their descendants and immediate family members. The organisation works to empower KBHAC members to take control of their future and assist them to improve the quality of their lives. Healing for the KBH Men comes in the knowledge that their work in establishing and growing KBHAC is a way to support one another. More importantly, KBHAC is a legacy they want to leave for their families who have also suffered the effects of the Men's experiences at KBH. Their trauma has been the result of trying to support the KBH Men and yet being the victims of the behaviours instilled during their time at KBH, including alcohol and substance abuse, domestic violence and social and emotional disconnection.

Our Vision

KBHAC seeks to reconnect members of the Stolen Generations to their families, clans and communities. It aims to help members of the Stolen Generations take control of their future by working to restore and reconstruct cultural identity, pride and self worth. Just as importantly, it

² Interviews with KBH men that informed the development of the KBHAC Strategic Plan (KBHAC Strategic Plan 2008, p.15, copy available upon request).

³ Prior to the creation of KBH, the Aborigines Protection Board took over the running and management of the Singleton Boys Home in 1918. Singleton closed in 1923 and the majority of those boys were transferred to Kinchela.

addresses those issues that affect Stolen Generations' families and communities across the generations.

Our Mission

KBHAC encourages and supports Aboriginal men and their families in developing sustainable healing programs that address the legacy of physical, sexual, psychological and cultural abuse in the Kinchela Boys' Home, including intergenerational impacts.

A history of partnership & action research into the unique needs of KBH survivors

Member/community driven development and participation continues, and is evident in all KBHAC undertakings and initiatives, from developing the Strategic Plan 2008-13 (funding for the activities in this Strategic Plan were not received until 2010) through to community consultations to inform design and delivery of projects such as the Healing Centre and this submission.

Starting in 2005, KBHAC has conducted extensive research in partnership with the Muru Marri Indigenous Health Unit, University of NSW to identify the unique needs of the KBH men and their families and develop programs that would address the 'needs'. Participants included Aboriginal men who were removed from their family as boys and institutionalised in Kinchela Boys' Home.

The findings of this research indicated:

- The effects of past forced child removal policies on Aboriginal men and their immediate and extended families have not been adequately examined and the KBH Men require specific attention
- Today virtually all KBH Men and many of their family and extended families live on the margins of both Aboriginal and non-indigenous society, suffer a range of adverse health conditions and are still affected by the trauma they experienced at KBH
- Notwithstanding the passage of time, and because of the trauma, the men continue to feel loss of their families and suffer from fractured relationships to country and culture
- The only "family" to which they are emotionally close is each other
- Their behaviour patterns (not necessarily good) have been replicated into subsequent generations
- Established care models for Indigenous Australians, even for the Stolen Generations, are not necessarily appropriate for KBH Men.

Evidence of Need

Clusters of KBH Survivors and their families live throughout NSW and in parts of VIC and QLD. There is a large cluster of survivors and family members who live in the Sydney region area (Redfern and Waterloo and Western Sydney); these men were the driving force behind the initial development of KBHAC and why the organisation currently operates from Sydney. Their families include people of the same age but also younger generations: their children, grandchildren and

great grandchildren. KBHAC membership is open to all KBH Survivors, their partners, family members and descendants. A breakdown of this membership includes:

1. **KBH Survivors:** There are between 80-85 KBH Survivors still alive today who are between the ages of 55-89 with a large cohort in the 60-70 age bracket.
2. **KBH Family Members of which number in the 1000's include:**
 - a. **Partners:** Women who are both of a similar age to the KBH Survivors or younger in their 40s.
 - b. **Siblings:** Men and women who are older and younger than KBH Survivors (40s -90s) and many who were removed as children (cared for in homes in New South Wales (Including Cootamundra, Bomaderry and other homes) and who were fostered and adopted as well)
 - c. **Descendants:** These include children, grandchildren, and great grandchildren and so on. This broad age range reflects the fact that Aboriginal boys were sent to KBH from 1924 till 1970 and more than 400 boys were interned there.

Interviews conducted with former KBH survivors by Muru Marri Indigenous Health Unit, University of NSW found that the Kinchela Men continue to experience:

- Social isolation
- Low social and emotional wellbeing
- Chronic unemployment
- Homelessness
- Mourning for loved ones both those who have died and those who are living but who they are estranged from
- Feeling alone in the world and not understood
- Not knowing where and how to belong
- Not invited to be involved in community decision making
- Always having to explain themselves
- Drug and alcohol dependence

The study also found the impact of the KBH Men's trauma is transgenerational with many of their families suffering because of their family member's internment in Kinchela. Their descendants also face:

- High rates of removal as children and removal of their own children
- Inability to relate and talk to their fathers and family members who went through Kinchela Boys' Home

- Not feeling accepted and understood by Aboriginal communities
- Feeling alone in the world and not understood
- Not knowing where and how to belong
- Feeling a void – no stories to tell about their parents, families and the communities they come from stigmatised because their parent(s) are members of the Stolen Generations

These family members live across Australia. Some KBH Men have been able to remain connected to their families whereas others have not. Each family member has their own experience of these men and understanding of KBH. KBHAC recognises these different voices. It is the KBH Men's desire to leave KBHAC as a positive legacy for their families they hope it will help address the trauma their families have experienced.

The Gap

Established care models for Indigenous Australians, even for the Stolen Generations, have been proven to be inappropriate for the KBH Men. KBHAC has been operating a Bringing Them Home (BTH) Counselling Program since 2011. While this service has been helpful for some of the KBH men, we have found through feedback that the men feel more comfortable and receive more therapeutic benefit from group healing facilitated through a peer support model with family and other KBH men. This validates some of the key findings from the interviews conducted with former KBH survivors by Muru Marri Indigenous Health Unit, University of NSW that the men do not want counsellors or psychologists with no experience of what they have been through (2006). They instead want KBHAC-centred and organised, professionally trained, trust worthy counselling. One interviewee stated: *"We need counselling placed within KBH, because most people think you're crazy when you talk about these issues. We need counselling by men who are trained, not by psychologists who have never experienced these things."*

Our key priority is to continue to address the social and emotional wellbeing of the KBH men and their families and to assist in addressing the trauma that continues to adversely affect the KBH men and their families. We would like to expand the KBHAC BTH Counselling service to include regular outreach to our non-Sydney based members and their families.

We currently operate a Bringing Them Home Counselling Service and have seen our service increase from 140 client contacts in 2011/2012 to 384 client contacts in 2013/2014 to 445 client contacts in 2014/2015 with the vast majority of these clients being first, second and third generation Stolen Generations. At this stage the counselling needs of these clients are being met by a single Bringing Them Home counsellor within our organisation. There is a large amount of unmet need in the KBH community who are spread in clusters through out NSW, VIC and QLD.

Since 2011 the KBHAC Bringing Them Home Counsellor has maintained and increased regular contact visits with KBH Survivors and their family members who live in the Sydney region. This included regular outreach work in Western Sydney and in the inner city in the Redfern and Waterloo areas. Outreach work has occurred with KBH Survivors and their family members who live in Victoria and Queensland; however, this has been primarily via telephone with occasional visits in person. This service has been restricted due to resources not being available which would allow for regular outreach visits on a monthly/bi-monthly basis. We have also not been able to adequately work with or address the needs of the partners and family members of the men to whom we are providing services.

How we are going to fill the gap

KBHAC has worked with partner organisations to identify the major issues of health and wellbeing for our members (as described above) arising from removal and institutionalisation. Together we have developed ways to heal the consequences of traumatic loss and grief, as well as the violence, abuse and difficulties with identity common to many men's experience of life in Kinchela Boys' Home. The **KBHAC Model of Care** has been developed to address these issues and the specific needs of KBH men. By pioneering effective ways to support a diverse range of Aboriginal people who were removed, KBHAC will make a major contribution to meeting the needs of other members of the Stolen Generations. The success of this KBHAC Model of Care is becoming evident within KBHAC where the membership has, through the direction of the KBH Men, in the last 12 months, focused on the need to establish a KBHAC Healing Centre. Significantly this Healing Centre needs to be located at South West Rocks with a major component of it situated on the former KBH site. With the engagement and support of the local community including Kempsey Local Aboriginal Land Council and Bennelong's Haven (who are key stakeholders of the KBH site), developing a strategic plan and business plan for this healing centre has started to happen.

KBHAC has worked closely with the survivors of KBH and their families to develop a model of care that addresses the unique needs of the KBH men. The KBHAC Model of Care consists of:

1. Personal customised contact with the KBH Men and their families
2. Reintroducing the KBH Men into the KBH family, an environment in which they feel safe, and build this as a positive group dynamic
3. Providing individual counselling once confidence and trust have been built
4. Offering appropriate assistance in:
 - Accommodation
 - Health
 - Mental Health
 - Aged Care Services
 - Lifestyle Support
5. Offering similar support to the KBH Men's families to address intergenerational issues

We currently provide and wish to expand the services and programs within our model of care. KBHAC has spent the past twelve months working with PricewaterhouseCoopers' Indigenous Consulting team to develop its current business plan (2015 – 2018)⁴. The KBHAC Business Plan is divided into six key action areas:

- **Individual Healing** – a range of services that assist each KBHAC member

⁴ Copy available upon request.

- **Group Healing** – formal opportunities when the Men and their families can meet as a group and build the existing KBH community
- **Community Development, Leadership and Governance**– building a strong and effective organisation that is able to provide support and assistance for its members. KBHAC is committed to building our capacity and that of our members and the wider community and also to playing a leadership and community engagement role.
- **Advocacy and Legacy** – capturing the KBH story and individual stories to ensure this phase of Australian history is preserved and to give the KBH men and their families a voice so their histories and traumas are recognised and appropriate healing measures put in place to address their unique needs.
- **Fundraising and Sustainability** – acknowledging there is enormous need within the KBH community and currently few resources KBHAC is focused on developing revenue streams from a number of sources.

The KBHAC care model is specific to the men who went through Kinchela Boys’ Home. This service walks with the KBH men on their personal and collective journeys to address issues of grief, loss and trauma resulting from their removal as children from their families and communities. Other KBHAC programs work with the family members of the men who went through KBH to assist them with addressing the impact their family member’s experiences at KBH have had on their lives and any other issues they may be struggling with. Some of the programs we currently run and intend to expand if we receive funding include:

- | | | |
|----------------------------|--|---|
| • Drama Therapy | • Healing Workshops | • Cultural Healing Camps |
| • Individual healing plans | • Aboriginal Therapists | • Aboriginal Community Workforce Training Workshops |
| • Yarning Sessions | • Family workshops and community events (in Kempsey and the communities where the men were taken from) | • Governance and Leadership Training |

Through these programs, events and services the long term healing needs of the Kinchela men, their family members and other individuals who were forcibly removed from their families and communities can be addressed. Because successful programs have shown ‘recovery’ is related to re-connecting with culture and traditions and recovering lost cultural identity is vital to healing, integrating cultural values and ways into overall healing model is an essential part of the KBHAC approach. We focus on cultural renewal by strengthening identity and reconnecting with community through language, art, dance, singing, yarning circles, Elder support groups and leadership programs. These programs have achieved outcomes related to improved health, social and emotional wellbeing, reduced drug, alcohol and substance misuse and a reduction in offending, violence and victimisation through addressing trauma through healing, reconnection with family and community and truth telling.

KBHAC Partners and Collaborators

KBHAC delivers holistic multidisciplinary care in partnership with a range of health and community services. We have developed agreed ways of working and memorandums of understanding with a number of organisations to deliver Commonwealth funded aged care services and disability services through the NSW Government Family and Community Services, Aged, Disability and Home Care (ADHC) department.

We have partnership agreements with Annecto, the Men's Health and Information Resource Centre (MHIRC) at the University of Western Sydney (UWS) and the Aboriginal Family Law Pathways Network. Over the next 12 months we intend to conclude formal partnerships with Aboriginal Housing Office NSW, Link-Up NSW, Relationships Australia, Kempsey Local Aboriginal Land Council, Benelong's Haven, Durri Aboriginal Medical Service, Booroogen Darjun and other local Kempsey Aboriginal and non-Aboriginal organisations and community partners.

An example of one of our partnerships is that with Annecto Western Sydney, a non-Aboriginal non-government organisation that works in the aged and disability sectors. Through that partnership, eligible KBHAC members are provided with Home Care Packages (community-based aged care). With Annecto's support, KBHAC also provides assistance to its members and other Aboriginal community members with disabilities under our NSW Department of Community Services' Ageing, Disability and Home Care funded Aboriginal Ability Links program in Southwestern Sydney (Liverpool and Bankstown).

Aboriginal Ability Links works with Aboriginal people with disability (9 to 64 years), their families and carers to facilitate social and economic inclusion in their local community. Linkers provide a locally based first point of contact designed to improve access to, and engagement in, local community, Aboriginal and mainstream services and disability services (where necessary) to facilitate social and economic inclusion of people with disability. This program forms part of the NSW Government's contribution to the National Disability Insurance Scheme.

KBHAC successfully worked with the NSW Aboriginal Housing Office and Wentworth Housing to establish a KBHAC Community House in Western Sydney. This is a pilot program for the Kinchela Men with the possibility of developing similar KBHAC Community Houses in other locations in NSW. KBHAC will manage the leases and over a 24-month period to develop the capacity to become a registered Aboriginal Community Housing provider.

Our partnerships guarantee program fidelity and add benefit to all aspects of the program including recruitment/mentoring, continuous quality improvement, monitoring and evaluation, community capacity and social capital building, enhanced links to a range of local networks making best use of existing and new community networks/services which the KBH men and their families can tap into, if and when they need it.

KBHAC's Current Work Cultural Healing and Capacity Building Project Proposal

As mentioned previously, KBHAC has recently completed a 3-year strategic plan and business plan (2015 - 2018). (Our vision is to build a KBHAC Healing Centre. This would be located in South West Rocks, NSW and also have a component that would be located on the former site of the Kinchela Boys' Home in Kinchela near Kempsey NSW. Over the last three years we have done significant foundation building work through The KBH Healing Centre scoping study (funded by the Healing Foundation) to see this vision come to fruition. The proposed Healing Centre will become the heart of KBHAC and provide a safe place for the KBH men and their families to heal through a number of programs and services.

KBHAC is committed to facilitating the KBH Men's continuing journey of re-discovery, self-empowerment and healing through reconnection to their Aboriginal family, communities and culture. KBHAC is committed to improving members' health and wellbeing by addressing persistent grief and trauma related to removal and the experiences following removal. By pioneering effective ways to support a diverse range of Aboriginal people who were removed, KBHAC is making major contributions to meeting the needs of other members of the Stolen Generations and their descendants. KBHAC, with our partners and supporters, have developed ways to heal the effects of traumatic loss and grief, as well as violence, abuse and difficulties with identity common to many men's experience of life in KBH.

3. NSW Government Response to the *Bringing Them Home* Report

The NSW Government was the first government in Australia to apologise to the Stolen Generations, acknowledging its role in the past removal of Aboriginal children from our families. On 14 November 1996, the then Premier, Bob Carr stated:

That is why I reaffirm in this place, formally and solemnly as Premier on behalf of the Government and people of New South Wales, our apology to the Aboriginal people. I invite the House to join with me in that apology... I acknowledge with deep regret Parliament's own role in endorsing the policies and actions of successive governments which devastated Aboriginal communities and inflicted, and continue to inflict, grief and suffering upon Aboriginal families and communities. I extend this apology as an essential step in the process of reconciliation. In particular, we should repudiate any idea that the severance of children and the break-up of families was justified, in terms still used today, as being only for their own good.⁵

This apology preceded the tabling of the *Bringing Them Home* Report in the Federal Parliament on May 26 1997 and was followed by a motion passed by the NSW Legislative Assembly on 18 June 1997. In that motion, the Legislative Assembly apologised for the systematic separation of generations of Aboriginal children from their parents, families and communities and acknowledged and regretted Parliament's role in 'enacting laws and endorsing policies of successive governments whereby profound grief and loss have been inflicted upon Aboriginal Australians' (Drabsch 2004, 56). Specific NSW Aboriginal legislation as outlined in the *Bringing Them Home* Report and which is relevant to this inquiry includes:

- *The Aborigines Protection Act 1909*
- *The Aborigines Protection (Amendment) Act 1915*
- *The Aborigines Protection (Amendment) Act 1918*
- *The Aborigines Protection (Amendment) Act 1936*
- *The Aborigines Protection (Amendment) Act 1940*
- *The Aborigines Protection (Amendment) Act 1963*

⁵ Hon R Carr MP, NSWPD, 14/11/96, p 6030, in Drabsch, T. Indigenous Issues in NSW, Background Paper No. 2/04, NSW Parliamentary Library Research Service, 2004, Sydney, page 56.

In 1998, the NSW Department of Aboriginal Affairs produced the report, *NSW Government Response: Report of the National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from their Families* which outlined the Government's response in seven thematic areas:

1. Apology, Acknowledgement and Reparations
2. Commemoration, History, Culture
3. Education and Training
4. Archives and Records
5. Indigenous Well-being Model
6. Contemporary Separations
7. Monitoring Process

That report outlined how the government would respond in each of those areas as they linked to the recommendations in the *Bringing Them Home* Report, including the allocation of resources, and how a monitoring process would work. Up until 2006, the NSW Government provided reports to the then existing Ministerial Council for Aboriginal and Torres Strait Islander Affairs which was responsible for monitoring the implementation of the Report's recommendations at a ministerial level across government. In those reports, The NSW Government reported against the commitments it made in response to the *Bringing Them Home* Report.

A review of the New South Wales Government's response to the *Bringing Them Home* report could be of benefit to highlight how the response has addressed the reparations framework set out in the *Bringing Them Home* Report and also determine the status of the individual recommendations and their implementation status. However KBHAC feels this could be time consuming and would set a limit on how long that review should take otherwise it risks not being of direct benefit to members of the Stolen Generations and their families. At the start the review needs to acknowledge that it will not assist in understanding the current position of NSW Stolen Generations organisations that were established after 2000. These organisations remain relatively marginalized in NSW Aboriginal policy developments and currently receive little to no state government funding. Funding tends to be provided in a piecemeal fashion that does not allow these organisations to develop their capacity despite being organisations established by members of the Stolen Generations who assist in addressing their own needs and those of their families, producing benefits to their members in ways that other services and community organisations are unable to.

This Inquiry, and the State's current Aboriginal Affairs policy, provides the opportunity for this to change. KBHAC applauds NSW as being the first state in Australia to incorporate healing into its state Aboriginal Affairs policy. In *OCHRE* the importance of healing is recognised and Aboriginal Affairs NSW has noted that healing is complex and sensitive issue requiring thoughtful and considered discussion.⁶ This discussion was started at the end of 2014 at the Mapu Yaan Gurri, Mapu Marrunggirr – Healing Our Way Healing Forum, which was held at the University of New South Wales. A key message from participants at that forum was that:

Following on from the Healing Forum government should support the holding of local forums held by Aboriginal communities, which would enable local communities to determine their own priorities and ways of healing. The dialogue needs to continue and be

⁶ *Mapu Yaan Gurri, Mapu Marrunggirr: Healing Our Way, Healing Forum Report*, Aboriginal Affairs, February 2015.

driven by Aboriginal people and by local communities⁷.

Also acknowledged by participants at that forum was the unfinished Stolen Generations business. Participants advocated that all of the recommendations from the Bringing Them Home report need to be addressed, including taking into account the psychological trauma and hurt suffered and brokering necessary services responses⁸.

4. Senate Inquiry Terms of Reference

KBHAC notes the Inquiry's terms of reference are as follows:

1. That General Purpose Standing Committee No. 3 inquire into and report on reparations for the Stolen Generations in New South Wales, and in particular:
2.
 - a. the New South Wales Government's response to the report of the 1996 National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children and Their Families entitled 'Bringing them Home' and the recommendations made in the report regarding reparations
 - b. potential legislation and policies to make reparations to members of the Stolen Generations and their descendants, including approaches in other jurisdictions, and
 - c. any other related matter.
3. That for the purposes of paragraph 1, the committee adopt the definition of 'reparations' contained in recommendation no. 3 of the 'Bringing them Home' report, which states that reparation should consist of:
 - a. Acknowledgement and apology
 - b. Guarantees against repetition
 - c. Measures of restitution
 - d. Measures of rehabilitation, and
 - e. Monetary compensation

KBHAC continues to support the reparations framework set out in the *Bringing Them Home* Report. That reparations framework is underpinned by the *Basic Principles and Guidelines on the Right to Reparation for Victims of Gross Violations of Human Rights and Humanitarian Law*⁹ (the "van Boven principles"). We submit that The NSW Government's ongoing response needs to be similarly informed.

⁷ *Mapu Yaan Gurri, Mapu Marrunggirr: Healing Our Way, Healing Forum Report*, Aboriginal Affairs, February 2015, p. 6.

⁸ Aboriginal Affairs 2015, p. 30

⁹ Commission on Human Rights, Sub-Commission on Prevention of Discrimination and Protection of Minorities, E/CN.4/Sub.2/1996/17 available online: <https://www.humanrights.gov.au/publications/bringing-them-home-appendix-8> (accessed 10 October 2015).

We also submit that any healing policy that is established as part of *OCHRE* and that intends to support the Stolen Generations and their families needs to be similarly aligned. In Appendix A, the goals of KBHAC are mapped out against individual Bringing Them Home Report recommendations.

5. Recommendations

Recommendation 1: Monitor the implementation of the recommendations from the Bringing Them Home Report

The NSW Government must develop a cross agency taskforce headed by the NSW Deputy Ombudsman (Aboriginal Programs) to oversee the implementation of all outstanding recommendations from the Bringing Them Home Report within reasonable timeframes and report to NSW Parliament twice a year until all recommendations are fulfilled. This taskforce should comprise members of the Stolen Generations, including representatives from the Kinchela Boys Home Aboriginal Corporation and the Coota Girls Corporation (we suggest 2 from each organisation).

Recommendation 2: Acknowledgement, Commemoration and Restitution

Members of the Stolen Generations across the nation have been, and continue to be, advocates for the return of and control over the sites where former institutions once existed as well as the construction of commemorative plaques and memorials at Stolen Generations sites of significance. In some instances these sites have been turned into healing centres, aged care centres and museums. The use of the site depends on what those individuals who were interned in those institutions feel is most appropriate. For those who have advocated for a site to become a healing centre or museum/ educational space, the location is significant: they are site specific and will not achieve their outcomes if located elsewhere.

The NSW Government commit to supporting the work of members of the Stolen Generations and Stolen Generations organisations that have identified sites of significance to their experience and support them in their undertaking of projects that memorialize these sites and assist in returning the site to the control of relevant Stolen Generations organisations.

Recommendation 3: Records Access and information relating to the Stolen Generations

As part of both measures of restitution and acknowledgement, The NSW Government should examine the possibility of creating an accessible mechanism for individuals to formally amend or supplement their official files so they also include their own personal stories. Existing legislative frameworks such as the Privacy and Personal Information Protection Act 1998 (NSW) should be examined for this possibility.

Recommendation 3: Contemporary Aboriginal child removals

Members of the Stolen Generations are still experiencing high rates of removal of children from their families (grandchildren and great grandchildren are being placed in out-of-

home-care and are at risk of being in placements that are with non-Aboriginal carers). Early intervention and prevention measures are not working with many of these families. Where some of these families might benefit from accessing the family law system, their lack of knowledge about that system prevents them from doing so.

As a matter of urgency, the Department of Families and Community Services (FACS), needs to develop a Stolen Generations taskforce that will ensure Stolen Generations organisations and other Stolen Generations support programs across the state are properly resourced so they can support these families and their specific needs (currently these families specific needs do not always get addressed in the support programs and therapeutic models that are funded to do this work).

Recommendation 4: Measures of rehabilitation: Resourcing NSW Stolen Generations Organisations

Stolen Generations organisations, those developed, managed and run by members of the Stolen Generations were not in existence (except for Link Up NSW) at the time of the National Inquiry and the *Bringing Them Home Report*. These organisations are currently not able to adequately meet the needs of their members in regards to providing them with a sustainable organizational model.

The NSW Government needs to develop a Stolen Generations taskforce that will engage with these Stolen Generations organisations in order to examine their needs and assist in their capacity building. An evaluation and review of programs currently available in NSW for members of the Stolen Generations and their families and resources could ensure support is re-directed to those Stolen Generations organisations that can better meet the needs of their members.

Recommendation 5: Lobbying for the implementation of Recommendation 31 of the Bringing Them Home Report

Members of the Stolen Generations and their direct descendants remain incarcerated overseas. The case of Russell Moore, adopted name John Savage, was outlined in the *Bringing Them Home Report*. John's uncles went through Kinchela Boys Home and his own removal speaks to the multigenerational child removals within individual Aboriginal families. John Savage remains incarcerated in the United States and it is his wish and that of his birth mother and extended family that he serves the remainder of his life sentence here in Australia. John was originally taken to the United States by his adopted parents.

The NSW Government should lobby the Federal Government to implement Recommendation 31 of the Bringing Them Home Report, which states:

Recommendation 31a: That the Commonwealth create a special visa class under the Migration Act 1951 (Cth) to enable Indigenous people forcibly removed from their families and from Australia and their descendants to return to Australia and take up permanent residence.

Recommendation 31b: That the Commonwealth amend the Citizenship Act 1948 (Cth) to

provide for the acquisition of citizenship by any person of Aboriginal or Torres Strait Islander descent.

Recommendation 31c: That the Commonwealth take measures to ensure the prompt implementation of the International Transfer of Prisoners Bill 1996.¹⁰

Recommendation 6: Monetary Compensation: Reopening the Aboriginal Trust Fund Repayment Scheme and providing monetary compensation to members of the Stolen Generations in NSW and their direct descendants

Not all members of the Stolen Generations or their descendants were aware of the Aboriginal Trust Fund Repayment Scheme, in particular the cut off date, and therefore missed out on monies they were / might have been eligible for. Financial compensation to members of the Stolen Generations in NSW needs to be reconsidered by the NSW Government. This is in line with other Australian and international jurisdictions. Members of the Stolen Generations need to be consulted about an appropriate model.

The NSW Government should re-open the Aboriginal Trust Fund Repayment Scheme (ATFRS) to eligible applicants and any lessons learnt from the previous administration of the AFTRS be incorporated into the managing of that process. The NSW Government should establish a compensation scheme for members of the Stolen Generations, and in the case where they have passed on their direct descendants. Measures to ensure families are supported during this process should be put in place.

¹⁰ National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from their Families (1997), "Bringing them Home: Report of the National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from their Families", page 292, available online: http://www.humanrights.gov.au/sites/default/files/content/pdf/social_justice/bringing_them_home_report.pdf (accessed 10 October 2015)

APPENDIX A:

KBHAC GOALS ALIGNED WITH THE BRINGING THEM HOME REPORT RECOMMENDATIONS

Note: This is an amended version of a table that is included in a joint plan developed by the Coota Girls Inc. and the Kinchela Boys Home Aboriginal Corporation. The recommendations relevant to specific Coota Girls' needs and priorities are outlined in their own submission to this inquiry.

Reparation Planning Priorities and Expected Work Timeframes

Reparation Priority		Acknowledgement and Apology																					
		Expected Work Timeframes																					
Our Priority	BTH Report Recommendation Linkages	2015/16			2016/17			2017/18															
Kinchela Boys Home Memorials to be constructed on specific sites central to the Kinchela experience (specifically in communities where men were taken from and sites in Kempsey, Kinchela, South West Rocks and Hat Head)	7A, 7B			X	X	X	X	X	X														
Memorial Plaque at Central Station, Platform 1 that identifies this location and its significance to the Stolen Generations, including former residents of Kinchela Boys Home and Cootamundra Girls Home (brothers and sisters who were often taken by train to Central Station where they were split up and taken to the Cootamundra Girls Home and the Kinchela Boys Home)	7A, 7B			X	X	X	X	X	X														
Acknowledgement/Sorry Business / Welcome Home Ceremonies in communities that former residents of the Kinchela Boys Home were removed from	7A and 11, 7B					X	X	X	X	X	X												
Recording of testimonies of the former residents of Kinchela Boys Home to be completed	1				X																		
Aboriginal Welfare and Protection Board Records to include a front page acknowledging the deficiencies in the historical documentation and to have at the front of an individual's file any	25				X	X																	

documentation / recording produced by the person or agreed to by the person will be included																				
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Reparation Priority Guarantees against Repetition																				
		Expected Work Timeframes																		
Our Priority	BTH Report Recommendation Linkages	2015/16					2016/17					2017/18								
Kinchela Boys Home Aboriginal Corporation to be provided resources in order to build its capacity to support KBH Men and family members to look after their children in instances where children are at risk of removal	33a, 33b, 36, 49, 51					X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
As part of a Kinchela Boys Home Aboriginal Corporation Healing Centre, funding for a Kinchela museum that will comprise an education centre and be located on the former Kinchela site.	12a, 12b, 29a, 29b, 41					X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Accredited teaching course and resources to be developed by the Kinchela Men and descendants that tells the story of Kinchela Aboriginal Boys Home and contributes to understanding the Stolen Generations experiences in NSW	8a, 8b, 9a, 9b, 12a, 12b					X	X	X	X	X	X									
The Kinchela Boys Home Aboriginal Corporation to be resourced to support members to tell their stories to service providers to encourage the provision of supportive rather than punitive responses to descendants struggling to cope with the trans-generational effects of removal.	9a, 9b, 32, 34a, 43a, 48,					X	X	X	X	X	X									

Reparation Priority		Measures of Restitution															
		Expected Work Timeframes															
Our Priority	BTH Recommendation Linkages	2015/16				2016/17				2017/18							
Assistance with locating unmarked gravesites of KBH Men's parents and providing headstones for those graves including KBHAC flag markers for graves	7a, 13,			X	X	X	X	X	X								
Funding for a Kinchela Museum located on the former Kinchela site	12a, 12b, 29a, 29b, 41			X	X	X	X	X	X	X	X	X	X	X	X	X	X

Reparation Priority		Measures of Rehabilitation															
		Expected Work Timeframes															
Our Priority	BTH Recommendation Linkages	2015/16				2016/17				2017/18							
Funding for KBH Healing Centre located at South West Rocks, NSW (funding for establishment of healing centre and programme costs for 3 years)	33a, 33b, 41, 42			X	X	X	X	X	X	X	X	X	X	X	X	X	X
Funding for 2 Kinchela Men healing gatherings per year	33a, 33b, 42			X	X	X		X		X		X		X		X	
Funding for 1 joint Coota Girls and Kinchela Men gathering per year	33a, 33b, 42			X		X				X							
Funding for annual Healing Gatherings that support Kinchela Men to contribute to the healing of descendants, including those of Kinchela Men who are no longer alive.	3, 4, 33a				X			X								X	
Funding to cover operational costs of Kinchela Boys Aboriginal Corp and the employment of Service Coordinator and 2 Social and	33a, 33b, 42			X	X	X	X	X	X	X	X	X	X	X	X	X	X

Reparation Priority Monetary Compensation

		Expected Work Undertaken																	
Our Priority	BTH Recommendation Linkages	2015/16			2016/17			2017/18											
All Kinchela Men who have not previously been compensated by the NSW Government (including any settlement process undertaken by the state government) should receive equivalent amounts to those who did based on the standards established for previous settlements	14, 17, 18, 42,			X			X			X			X						
Direct descendants of Kinchela who are deceased should be compensated with monetary compensation to be aligned with the settlement standards established under previous NSW Government settlement scheme	14, 4, 17, 18, 42			X			X			X			X			X			
All members of the Stolen Generations and their descendants who are still owed money through the past Aboriginal Trust Fund Repayment Scheme should have the opportunity to claim such money.	14, 17, 18, 42			X			X			X			X			X			
The NSW Government to establish a funeral fund for former residents of the Kinchela Boys Home and their immediate descendants. This includes resources to support the Kinchela men's attendance at each others' funerals.	14, 42			X			X			X			X						X

Reparation Priority Collaboration, Leadership and Governance

		Expected Work Undertaken												
Our Priority	BTH Recommendation Linkages	2015/16		2016/17				2017/18						
Review the implementation of the recommendations made in the Bringing them home Report to identify any benefits/remedies obtained by and Kinchela Men	2a, 2b, 2c, 2d			X	X	X								
Review and commit to the immediate implementation of all outstanding Recommendations from the Bringing them home Report with capacity to benefit former residents of the Kinchela Aboriginal Boys Home and their descendants.	List all outstanding recommendations with capacity to contribute to the health and wellbeing of Kinchela Men and their descendants.				X	X								
Develop a cross agency taskforce headed by the NSW Deputy Ombudsman (Aboriginal Programs) to oversee the implementation of all outstanding recommendations within reasonable timeframes and report to NSW Parliament 2 x year until all recommendations are fulfilled. This taskforce will also comprise 4 representatives from the Coota Girls Corporation and KBHAC (2 from each organisation).	2a, 2b, 2c, 2d					X	X	X	X					