

**Supplementary
Submission
No 26a**

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

Name: Ms Elizabeth Rice and Dr John Rule

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**Supplementary Information from Elizabeth Rice
for
Inquiry into Reparations for the Stolen Generations in NSW
of
NSW Legislative Council's General Purpose Standing Committee No 3**

1. This document contains the supplementary information that I indicated, at the Inquiry hearing of 9 February 2016, that I would forward to the Committee. This information relates to:
 - recent Aboriginal views on self-determination
 - a paper by Peter Yu on *The Power of Data in Aboriginal Hands*.

Links to this material, which includes explanations of current frameworks for self-determination, as well as current analyses of Indigenous governance, are in Attachment A.

2. This supplementary information relates to questions about self-determination at the above hearing, which focussed on the principal point of Submission 26 (Rule and Rice), viz:

In summary, we believe that ToR 1.b on “potential legislation and policies” and ToR 2.b on “Guarantees against repetition” are inextricably linked, and that the latter depend on negotiation, not just consultation, with the Stolen Generations, their families and communities in relation to the former.

We strongly support the points in Submission [No. 8, Jumbunna Indigenous House of Learning, Research Unit](#) on these matters. Quoting from p 493 of the BTH report, that submission states:

The starting point for a new framework is the right to self-determination... The Inquiry supports the eventual transfer of responsibility for children’s wellbeing to Indigenous peoples and proposes a framework for negotiating autonomy measures (Recommendation 43). It would be inappropriate and untimely for the Inquiry to pre-empt the results of these negotiations by outlining in this report the features of a self-government scheme.

3. I was heartened by the Committee’s interest in self-determination, and have been giving some thought to how the expertise of Aboriginal people could be used to assist the Committee in ensuring that its recommendations for NSW:
 - are consistent with the views of self-determination in relation to children’s wellbeing that were embedded in Recommendations 43a-53b of the *Bringing them home* report, which are still relevant, and
 - can also benefit from current research by Aboriginal people on frameworks for self-determination and from current accounts of the practice of Indigenous governance.
4. One way of achieving this would be for the Committee to include, among those with whom it intends discussing the draft recommendations, some of the Aboriginal people currently working on self-determination frameworks and Indigenous governance, a number of whom are included in the reference list at Attachment A.

I respectfully suggest that the Committee consider following such a course.

Selected Australian Indigenous Views on Indigenous Rights and Self-determination

1. Professor Megan Davis

Gesture Politics in *The Monthly* (The Summer Issue, 2015-16)

<https://www.themonthly.com.au/issue/2015/december/1448888400/megan-davis/gesture-politics>

2. Expert Panel on Constitutional Recognition of Indigenous Australians

Recognising Aboriginal and Torres Strait Islander Peoples in the Constitution: Report of the Expert Panel (January 2012)

http://www.recognise.org.au/wp-content/uploads/shared/uploads/assets/3446_FaHCSIA_ICR_report_text_Bookmarked_PDF_12_Jan_v4.pdf

(Chapter 9: The question of sovereignty)

3. Tony McAvoy SC

An Assembly of First Nations and a Treaty

<http://aiatsis.gov.au/publications/presentations/assembly-first-nations-and-treaty>

4. Mick Gooda

Social Justice and Native Title Report 2014

<https://www.humanrights.gov.au/our-work/aboriginal-and-torres-strait-islander-social-justice/publications/social-justice-and-nati-0>

(Chapter 5: Nations - Self-determination and a new era of Indigenous governance)

Social Justice and Native Title Report 2015

<https://www.humanrights.gov.au/our-work/aboriginal-and-torres-strait-islander-social-justice/publications/social-justice-and-nati-1>

(Chapter 5: Caring for our children)

5. Jumbunna Indigenous House of Learning

ARC Linkage Project: Indigenous nationhood in the absence of recognition: Self-governance strategies and insights from three Aboriginal communities (Gunditjmara People, Victoria; Ngarrindjeri Nation, South Australia; Groups and individuals from the Wiradjuri Nation, NSW)

<http://www.uts.edu.au/research-and-teaching/our-research/jumbunna/our-research/projects/nation-building-project>

(Relates to part of the material in Chapter 5: Nations - Self-determination and a new era of Indigenous governance of *Social Justice and Native Title Report 2014*)

6. Marion Scrymgour,

2014 H.C. "Nugget" Coombs Memorial Lecture at Charles Darwin University, Darwin

Extract 1: Marion Scrymgour. From Elliott, Robinson River, the Tiwi Islands and beyond: "Recognise" that blackfellas have survived.

<http://blogs.crikey.com.au/northern/2014/10/09/marion-scrymgour-from-elliott-robinson-river-the-tiwi-islands-and-beyond-recognise-that-blackfellas-have-survived/>

Extract 2: Marion Scrymgour: The NT Intervention disinformation campaign – from allegations of child sexual abuse to moral panic

<http://blogs.crikey.com.au/northern/2014/10/09/marion-scrymgour-the-nt-intervention-disinformation-campaign-%E2%80%93-from-allegations-of-child-sexual-abuse-to-moral-panic/>

Extract 3: Scrymgour on the NT Intervention – rivers of grog and acres of leases

<http://blogs.crikey.com.au/northern/2014/10/12/scrymgour-the-nt-intervention-rivers-of-grog-and-acres-of-leases/>

Extract 4: Marion Scrymgour on Stronger Futures and Constitutional reform

<http://blogs.crikey.com.au/northern/2014/10/12/marion-scrymgour-on-stronger-futures-and-constitutional-reform/>

7. Noel Pearson

A Rightful Place: Race, recognition and a more complete commonwealth in *Quarterly Essay* (Issue 55, 2014)

<https://www.quarterlyessay.com/essay/2014/09/a-rightful-place>

8. Empowered Communities

<http://empoweredcommunities.org.au/>

9. Peter Yu

The Power of Data in Aboriginal Hands

http://caepr.anu.edu.au/sites/default/files/Publications/topical/TI2012_04_Yu_PowerOfData.pdf