

**Submission
No 50**

INQUIRY INTO REPARATIONS FOR THE STOLEN GENERATIONS IN NEW SOUTH WALES

Organisation: Coota Girls Corporation and the Kinchela Boys Home Aboriginal Corporation

Date received: 31/03/2016

Coota Girls Aboriginal Corporation and Kinchela Boys Home Aboriginal Corporation

Action Plan 2015 - 2018 Our Voice, Our Plan



Collective reparations for children who were forcibly removed from their families under the NSW Aborigines Protection Act (1909-1969) and placed in the Children's Training Homes constituted under the Act.

Table of Contents

Message from the Chairs	3
Introduction	6
About Us	7
Cootamundra Girls Aboriginal Corporation	7
Kinchela Boys Home Aboriginal Corporation.....	8
Our Shared Purpose	10
Our Shared Vision	10
Reparation Planning Priorities and Expected Work Timeframes	11
Reparation Priority Acknowledgement and Apology.....	11
Reparation Priority Guarantees against Repetition	12
Reparation Priority Guarantees against Restitution.....	13
Reparation Priority Measures of Rehabilitation	14
Reparation Priority Monetary Compensation	16
Reparation Priority Collaboration, Leadership and Governance	17
Key Action Planning Steps	18
Contact Details	19
Appendix A: New South Wales Government Role In Forcible Removal of Aboriginal Children 1909-1969	20
Appendix B: Bringing Them Home Report Recommendations	24

Message from the Chairs

We are pleased to present our three-year **Action Plan 2015-2018: Our Voice, Our Plan** to the NSW Government on behalf of the Coota Girls Aboriginal Corporation and Kinchela Boys Home Aboriginal Corporation.

It represents collective reparations for Aboriginal children who were forcibly removed from their families under the NSW Aborigines Protection Act (1909-1969) and placed in the Children's Training Homes constituted under the Act.

The National Inquiry Into The Separation Of Aboriginal And Torres Strait Islander Children From Their Families traced the past laws, practices and policies which resulted in the separation of Aboriginal and Torres Strait Islander children from their families by '*compulsion, duress or undue influence*', referred to as 'forcible removal' between the years 1910 and 1972, and the effects of those laws, practices and policies' (HREOC, 1997).

During the period considered by the National Inquiry, a systematic race-based system operated in New South Wales to remove Aboriginal children under the Aborigines Protection Act 1909-1969. While the stated purpose of the Aborigines Protection Act was to 'provide for the protection and care of Aborigines', it was used, first by the Aborigines Protection Board (1909-1939) and then the Aborigines Welfare Board (1940-1969), to establish a system that supported the forcible removal of Aboriginal children in New South Wales over a period of sixty years, from 1909 until 1969.

Aboriginal children were forcibly removed in order to be 'trained' and then indentured as Aboriginal domestics or farm-hands in wealthy non-Aboriginal households and farms when aged 15yrs – 18yrs under harsh conditions, with their wages paid to the Boards. The two Children's Training Homes constituted under the Act to 'receive, maintain and train' forcibly removed Aboriginal children, the **Cootamundra Domestic Training Home for Aboriginal Girls** and the **Kinchela Aboriginal Boys Training Home** were fundamental to this process.

Both Children's Training Homes were established and run by the New South Wales Government. The majority of Aboriginal children who were forcibly removed in NSW ('Stolen Generations') spent time in the Children's Training Homes before being indentured at age 15yrs. Children remained under control of the Boards until they reached 18yrs.

This system operated in parallel to the NSW Child Welfare system until it was dismantled by the Aborigines Act in 1969.

We are the survivors of Cootamundra Domestic Training Home for Aboriginal Girls and the Kinchela Aboriginal Boys Training Home.

When we were taken to the Children's Training Homes we were treated harshly, neglected, subjected to a range of abuses, and were culturally and racially denigrated. We did not receive adequate schooling. Our parents were denigrated and we were prevented from seeing them until we turned 18yrs and were 'discharged' from the Board's control. The mental, physical and spiritual effects that are suffered by us have been life-long. What was imposed upon us as children was inhumane and dishonorable. Our children, through no fault of their own, are struggling with the effects of trans-generational trauma.

The pain has to stop with us. Only we know what we went through in the Homes. We have the solutions to heal each other, our descendants and families. We appeal to the NSW Government to support us to implement our solutions.

Our Action Plan provides an opportunity for us, the survivors of Cootamundra Girls Home and Kinchela Boys Home, and the NSW Government to work in a genuine and collaborative partnership to rectify the past wrongs perpetrated by government under the Aborigines Protection Act 1909-1969.

The *National Inquiry into The Separation of Aboriginal Children from Their Families and Communities* (National Inquiry) exposed the NSW Government's practices as 'gross violations of human rights'.

Under international law, those who experience 'gross violations of human rights' are automatically awarded an additional right, the right to reparation. Reparation must, 'as far as possible, wipe out all the consequences of the illegal act and re-establish the situation which would, in all probability, have existed if that act had not been committed.'¹

The National Inquiry's report, *Bringing Them Home*, recommended that 'reparations' be made to all who suffered these human rights abuses, and adopted the UN Basic Principles and Guidelines to guide its recommendations.

These principles were reflected in Recommendations 3 and 4 of the *Bringing Them Home* report.

Recommendation 3: That, for the purposes of responding to the effects of forcible removals, 'compensation' be widely defined to mean 'reparation'; that reparation be made in recognition of the history of gross violations of human rights; and that the van Boven principles guide the reparation measures. Reparation should consist of:

1. Acknowledgment and apology
2. Guarantees against repetition
3. Measures of restitution
4. Measures of rehabilitation
5. Monetary compensation.

Recommendation 4: That reparation be made to all who suffered because of forcible removal policies including:

1. Individuals who were forcibly removed as children
2. Family members who suffered as a result of their removal
3. Communities which, as a result of the forcible removal of children, suffered cultural and community disintegration
4. Descendants of those forcibly removed who, as a result, have been deprived of community ties, culture and language, and links with and entitlements to their traditional land.

The full set of *Bringing Them Home Report* recommendations can be found at **Appendix B**.

As individuals who were forcibly removed as children in NSW, we possess an internationally recognised right to receive 'prompt, adequate and effective reparation' for what we experienced.

We respectfully assert our status as rights-holders and ask the NSW Government to recognise and accept its responsibility to provide full and effective reparations to us and our descendants.

We acknowledge the former NSW Premier Bob Carr, and the NSW Government's Official 'Acknowledgement and Apology' in 1996 and 1997 respectively. We also acknowledge the return of monies held in trust funds for individuals, and the financial settlements being provided to compensate some members of the Stolen Generations in NSW for breaches of fiduciary duties in the Children's Training Homes.

¹ Principle 19 UN Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law.

Although vital, monetary compensation is just one component of reparations. The other components include: *restitution; rehabilitation; satisfaction; and guarantees of non-repetition.*²

We are pleased to present this Action Plan 2015-2018 'Our Voice, Our Plan'. It outlines a program of collective reparations for those of us who were forcibly removed and placed in the Children's Training Homes constituted under the Act. Our priorities align with the 54 Bringing Them Home recommendations and reflect the UN Basic Principles and Guidelines.

The human rights abuses we collectively experienced in the two Homes differed, and as men and women we have been affected differently.

Delivering parallel, separately funded gender-specific programs of reparations for survivors of these two Children's Training Homes is therefore important. Collective reparations are designed to be implemented and funded separately through each of our corporations.

There is a high level of time-related urgency given many of us are now frail and elderly. There is an equally urgent requirement for financial and other resources to support our respective organisations to effectively implement the priorities contained in our Action Plan 2015-2018.

As recognised in the NSW Government's OCHRE Plan:

*"Healing cannot be "done to" Aboriginal people. It is a deeply personal journey led by Aboriginal people to overcome more than 200 years of dispossession, paternalistic policy and trauma that have diminished Aboriginal people's motivation, confidence and sense of control over their own lives"*³.

Our forcible removal, as Aboriginal children, is at the very heart of this.

Our Action Plan provides an opportunity for us, the survivors of Cootamundra Girls Home and Kinchela Boys Home, and the NSW Government to work in a genuine and collaborative partnership to rectify the past wrongs perpetrated by government under the Aborigines Protection Act 1909-1969.

Fulfilling our Action Plan 2015-2018 will allow survivors and descendants of the Cootamundra Girls Home and Kinchela Boys Home to contribute to, and participate in, the Healing Objective of the NSW Government OCHRE Plan.

We present this Action Plan in good faith in the hope that the NSW government reciprocates by accepting its responsibility and responding in a dignified, humane and honourable way.

² Principles 19 to 23 of the UN Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law.

³ Aboriginal Affairs NSW (2013) *OCHRE: NSW Government Plan for Aboriginal Affairs: education, employment & accountability*, Sydney.

Introduction

This Action Plan 2015-2018 - **Our Voice, Our Plan** outlines a program of collective reparations for former inmates of the Children's Training Homes constituted under the New South Wales Aborigines Protection Act 1909-1969. The Cootamundra Aboriginal Girls Training Home operated between 1912 and 1969 and the Kinchela Aboriginal Boys Training Home from 1924 to 1970.

Many of us gave evidence to the *National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from Their Families* and our voices feature in the *Bringing Them Home* Report.

The Human Rights and Equal Opportunity Commission drew upon testimonials and evidence provided to the National Inquiry and applied the UN Basic Principles and Guidelines to develop a set of recommendations to address the harms caused by forcible removal of Aboriginal children.

The 54 recommendations of the Bringing Them Home report were developed as a package of complementary measures to be implemented as a whole, to deliver the full set of reparations for human rights abuses: restitution, compensation, rehabilitation, satisfaction and guarantees of non-repetition. Recommendations 3 to 20 were drafted as a set of reparations to be provided to the children who had been forcibly removed (ie members of the Stolen Generations).

Since the National Inquiry, survivors of Cootamundra and Kinchela have both established their own incorporated organisations: **the Coota Girls Aboriginal Corporation** and **the Kinchela Boys Home Aboriginal Corporation**.

Both corporations continue to endorse and promote the human rights and reparations framework adopted by the National Inquiry and our Action Plan priorities are aligned to the 54 recommendations made in the Bringing Them Home Report.

Our priorities in this action plan are tailored to provide collective, but parallel programs of reparations for us, the survivors of both NSW Children's Training Homes, and our descendants.

*'Reparation programs aim for two goals linked to justice: to provide a measure of recognition to victims and thus make a contribution to the full recovery of their dignity. Benefits are not meant to entrench their status as 'victims', but rather as citizens, as holders of rights which are equal to those of other citizens. The benefits are seen as a form of compensation for the fact that rights that were supposed to protect them as citizens were violated. It is the violation of equal rights that triggers the provision of compensatory measure.'*⁴

⁴ van Boven, T. (2005) The United Nations Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law, Introductory Notes.

About Us

Coota Girls Aboriginal Corporation

Members of the Coota Girls Aboriginal Corporation were forcibly removed from their families as children and placed in the Cootamundra Domestic Training Home For Aboriginal Girls (Cootamundra Girls Home), which was operated by the NSW Government between the years 1912 and 1969.

Children in the Cootamundra Girls Home were told their families had rejected them and were taught to fear and avoid Aboriginal people. They were neglected and abused and forcibly assimilated to 'think white, look white, act white'. The children were trained as domestics and when aged between 15 and 18yrs were sent on mandatory 'placements' as domestic servants in wealthy non-Aboriginal households, under harsh conditions, with their wages paid to the Boards. They remained under control of the Aborigines Protection Board (1912-1938) and the Aborigines Welfare Board (1939-1969) until they turned 18yrs old.

Survivors of the Cootamundra Girls Home (known as the 'Coota Girls') were a powerful driving force behind bringing the practice of forcible removal to national attention. Many gave evidence to the National Inquiry.

Coota Girls grew up together and see each other as 'sisters'. Coota Girls have adopted a collective approach to their healing since the 1980's, when the policies of forcible removal first began to emerge. Coota Girls have supported each other to find and reunite with their families and gain access to their unpaid wages held in trust accounts. They have donated a painting given to them by Albert Namatjira to the National Museum, gained heritage listing for the Cootamundra Girls Home, established memorials at the Home, and hosted a Centenary Commemoration event in 2012.

Since 2000, Coota Girls have been advocating for measures of 'collective rehabilitation', so they can be supported to heal each other from the human rights abuses they experienced, and for practical measures to overcome the entrenched disadvantage they faced as a result of removal.

Coota Girls were active participants in the National Apology and the anniversary events that have followed.

Coota Girls possess a collective courage that comes to life when they are together, and maintaining their connections to each other is key to maintaining their wellbeing.

Over time, the Coota Girls have come to be seen as an iconic and strong group of women. They have participated in media interviews, appeared in films and contributed their stories to documentaries, written publications and national repositories. Despite their experiences, they have always promoted a healing approach. Several have been recognized with human rights and other awards.

Up until 2010, these activities were largely self-funded or supported with small grants obtained through NSW Link Up.

In 2010, the Office of Aboriginal Health hosted a meeting of survivors of the Cootamundra Girls Home to discuss how a Bringing Them Home Counsellor position might be able to support them. This was the first time they had been consulted about their needs as survivors. Coota Girls collectively drafted the All One Statement about their support needs. In it, they state:

"For most of our lives, our experience has been denied by Governments and we have been left to manage the best way we could, by relying on each other and using our own resources. Since the Bringing Them Home Report was released, we have not been consulted in relation to what our needs are as the first generation to be recognised as being forcibly removed from our families, communities, land and cultures."

While many of us may have found ourselves isolated within both the mainstream and Aboriginal populations, we have remained connected to each other and have provided each other with powerful and effective form of support over the years. We are a strong group or survivors and consider ourselves to be our own community. We need our own voice to spell out what self-determination is, for us”.

While a Bringing Them Home Counsellor position was allocated to support Coota Girls from 2011, this was re-allocated by the auspice body in 2012. Since 2010, the Healing Foundation has funded several Healing Gatherings for Coota Girls.

Frustrated by the inability to obtain the type of support they require, Coota Girls established their own corporation in 2013 to achieve the objectives they set out in the All One Statement. The objective of the Coota Girls Aboriginal Corporation is to ‘ensure the social, emotional and spiritual wellbeing of the Coota Girls, their families and subsequent generations.’

The Coota Girls Corporation obtained funding from the Department of Prime Minister and Cabinet in 2015. This supports a part-time Network Coordinator.

The Coota Girls Corporation is seeking to re-establish the human rights framework advocated by the Bringing Them Home report. Many generations of Aboriginal girls passed through the Cootamundra Girls Home during its 57yrs of operation. As well as having their own needs met, Coota Girls wish to contribute to the healing of their descendants who live across New South Wales.

Members of the Coota Girls Corporation contributed to the NSW Ochre Healing Forum July 23rd 2014.

The All One Statement was updated in 2015, and represents a program of reparations for survivors and descendants of the Cootamundra Girls Home 1912-1969.

The Coota Girls Corporation is seeking funding for a Coota Girls Healing Centre with the capacity to host Healing Gatherings and support the delivery of the other components of reparation. Nineteen BTH recommendations align with the needs expressed in the All One Statement (2015). This includes recommendations 1, 3, 4, 6, 7a and b, 8a and b, 9a and b, 11,12a and b, 13, 29, 30, 32, 34a and b, 41, 42, 43a, b and c, and 46- 53.

There is an age-related urgency to achieving reparations for survivors of the Cootamundra Girls Home, since many Coota Girls are now frail and elderly (aged between 50 and 86yrs).

About Us

Kinchela Boys Home Aboriginal Corporation

In 2002, the survivors of the Kinchela Aboriginal Boys Home Training Home (KBH) established the Kinchela Boys Home Aboriginal Corporation (KBHAC). As a collective of ‘brothers’ that have been subject to cultural deprivation, marginalisation, discrimination and institutionalisation, it has been critical that the KBH survivors and their families are supported to come together to talk through a range of issues associated with their forced removal from family, community, country and culture.

KBHAC recognises the importance of healing not only the KBH survivors, but also their families, as a way to stem the intergenerational issues that affect the lives of Aboriginal people.

The KBH survivors’ families include people of the same age but also younger generations: their children, grandchildren and great grandchildren. KBHAC membership is open to all Kinchela 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 who number in the 1000's and 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

KBH survivors and their families live in clusters throughout NSW and interstate (along the borders of Victoria and Queensland and in South Australia and Western Australia). A large cluster lives in the Sydney region; they were the driving force behind the initial development of KBHAC and why the organisation currently operates from Sydney. KBHAC is committed to addressing the social and emotional wellbeing of all Kinchela Survivors and their immediate families and to assist in the healing of trauma that continues to adversely affect these men and their families. To this end, we have developed a KBHAC model of care (a peer support model of care and empowerment) that involves individual and group healing, community development, leadership and governance training, advocacy and educating people about the Kinchela history.

Some of the work we currently do includes: providing a KBH Bringing Them Home Counselling Service; referral and support assistance to KBHAC members; holding regular group healing gatherings; undertaking the Stolen Generations.

We also provide a KBH Aged Care Service to look after the men and their eligible family members and have just recently established a KBHAC Community House in Western Sydney which can house up to 4 KBH survivors or Aboriginal men who are over 45 years of age. KBHAC is also one of the Aboriginal services in NSW providing the ADHC funded Ability Links program. This is for people with disability aged 9 to 64 years and carers and families of people with disability and also works with community to make community more socially inclusive for community members with a disability. We provide this program in parts of Sydney's Metro South region and the Inner West.

Over the past three years, KBHAC has seen a number of KBH survivors undertake a steady transformation into leadership within their respective Aboriginal communities. This also includes their taking on clearly identified roles within KBHAC as board members and being invited to sit on government and non-government reference groups concerned with Stolen Generations issues and improving government policy to address the needs of members of the Stolen Generations and their families. KBHAC is currently finishing a scoping study for a KBHAC Healing Centre, which will be located in South West Rocks and include a Kinchela Boys Home Museum located on the site of the former Kinchela Aboriginal Boys Training Home.

Our Shared Purpose

The Coota Girls Aboriginal Corporation and the Kinchela Boys Home Aboriginal Corporation are committed to working with the NSW Government, in a genuine and collaborative partnership, to rectify the past wrongs perpetrated by government under the *NSW Aborigines Protection Act 1909 (1909-1969)*.

Our Shared Vision

The Coota Girls Aboriginal Corporation and the Kinchela Boys Home Aboriginal Corporation will be adequately resourced to ensure the effective implementation of their respective reparations priorities.



Kinchela Men and Coota Women Action Planning Workshop, Mercure Hotel, Sydney, Wednesday 12th August 2015.

Seated left to right: Uncle Peter Elwood (#10), Aunty Lorraine Peeters, Aunty Shirley McGee, Aunty Isabel Reid, Aunty Doreen Webster and Aunty Fay Moseley.

Standing left to right: Uncle Harry Ritchie (#56), Uncle Richard Campbell (#28), Aunty Rose Atkinson, Uncle Lester Maher (#11) Aunty Wilma Moran and Uncle James Michael "Widdy" Welsh (#36)

Reparation Planning Priorities and Expected Work Timeframes

Reparation Priority Acknowledgement and Apology		Expected Work Timeframes															
Our Priority	BTH Recommendation Linkages	2015/16			2016/17			2017/18									
Kinchela Aboriginal Boys Training Home Memorials to be constructed on specific sites central to the Kinchela experience (specifically in communities where boys were taken from and sites in Kempsey, Kinchela, South West Rocks and Hat Head)	7a			●			●										
The Coota Girls Aboriginal Corporation to be provided with resources (land and buildings) to establish a Coota Girls Healing Centre and Keeping Place on the central coast of NSW to implement a program of 'full and effective' reparations for survivors of the Coota Girls Home, in line with the UN Basic Principles and Guidelines and recommendations made in the Bringing Them Home report (funding for planning and construction of Healing Centre and operational costs for 3 years).	7a, 7b						●	●	●	●	●	●	●	●	●	●	●
The Kinchela Boys Home Aboriginal Corporation to be provided with resources (land and buildings) to establish a Kinchela Boys Home Healing Centre at South West Rocks and funding for a Kinchela Aboriginal Boys Training Home to be located at the former Kinchela Boys Home site (funding for planning, construction and operational costs for 3 years).	7a, 7b						●	●	●	●	●	●	●	●	●	●	●
Memorials to be constructed on sites of significance for survivors of the Coota Girls Home (e.g. police holding cells and train stations where those who tried to return home were commonly apprehended).	7b			●			●										
Memorial Plaque at Central Station, Platform 1 that identifies this location and its significance to Kinchela Boys Home and Coota Girls Home survivors (brothers and sisters who were often taken by train to Central Station where they were split up and taken to the Coota Girls Home and the Kinchela Boys Home)	7a, 7b			●			●										
Acknowledgement/Sorry Business / Welcome Home Ceremonies in communities where Kinchela Boys Home and the Coota Girls Home survivors were removed from	7a and 11, 7b						●							●			
Recording of testimonies of the survivors of Kinchela Boys Home and Coota Girls Home to be completed	1						●										
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 documentation / recording produced by the person or agreed to by the person will be included	25													●			

Reparation Priority Guarantees against Repetition

		Expected Work Timeframes														
Our Priority	BTH Recommendation Linkages	2015/16			2016/17			2017/18								
Assistance with locating unmarked gravesites of KBH survivor's parents and providing headstones for those graves including KBHAC flag markers for graves	7a, 13,				●	●	●	●	●	●	●	●	●			
Funding for a Kinchela Boys Home Museum located on the former Kinchela site	12a, 12b, 29a, 29b, 41				●	●	●	●	●	●	●	●	●	●	●	●
The Coota Girls Corporation to be provided with the capacity to control what happens to the Coota Girls Home and how the stories of our lives in the Home are told. A feasibility study is required to explore our options for achieving this outcome.	29a, 29b, 41				●											

Reparation Priority Measures of Rehabilitation

Our Priority	BTH Recommendation Linkages	Expected Work Timeframes													
		2015/16			2016/17			2017/18							
Funding for a KBHAC Healing Centre located at South West Rocks, NSW (funding for establishment of healing centre and programme costs for 3 years)	33a, 33b, 41, 42	●	●	●	●	●	●	●	●	●	●	●	●	●	●
Funding for a Coota Girls Healing Centre (land and buildings) to be constructed in a coastal location in NSW with the capacity to deliver measures of collective rehabilitation for survivors of the Coota Girls Home, including Healing Gatherings for Coota Girls, siblings and descendants.	3,4	●	●	●	●	●	●	●	●	●	●	●	●	●	●
Funding for 2 KBH survivor's Healing Gatherings per year	33a, 33b, 42	●				●						●			
Funding for 2 Coota Girls Healing Gatherings per year.		●	●			●	●			●	●			●	
Funding for 1 joint Coota Girls and KBH Boys gathering per year	33a, 33b, 42	●				●						●			
Funding for annual Healing Gatherings that allow the siblings, families and descendants of Coota Girls to get to know our sisters from the Coota Girls Home.	3, 4, 33a			●			●						●		
Funding for annual Healing Gatherings that support Coota Girls to contribute to the healing of descendants, including those of Coota Girls who are no longer alive.	3, 4, 33a					●			●					●	
Funding for annual Healing Gatherings that support KBH survivors to contribute to the healing of descendants, including those of KBH boys who are no longer alive.	3, 4, 33a					●			●					●	
Funding to cover operational costs of Kinchela Boys Aboriginal Corporation and the employment of Service Coordinator and 2 Social and Emotional Wellbeing outreach workers	33a, 33b, 42	●	●	●	●	●	●	●	●	●	●	●	●	●	●
Funding to cover operational costs of the Coota Girls Corporation for 3 years, including the employment of a Coota Girls Service Coordinator, a Social and Emotional Wellbeing Coordinator with outreach capacity and a contracted Research Officer	33a, 42	●	●	●	●	●	●	●	●	●	●	●	●	●	●
Aged care and disability supports to be provided to individuals who are currently not receiving support.	33a, 33b, 42	●	●	●	●	●	●	●	●	●	●	●	●	●	●
Funding to support the Coota Girls Corporation to conduct an audit of the aging and disability support needs of Coota Girls and the resources required to address identified needs.	42		●				●								

<p>Provision of a Gold Card similar to that provided to Veterans to support Coota Girls and KBH Boys to obtain access to the health care they require as a result of forcible removal</p>	<p>3, 4, 42</p>		●	●	●	●	●	●	●	●	●	●	●
<p>Establishment of a housing fund to support Coota Girls and KBH Boys to obtain ownership of their own homes to compensate for the lack of health and other benefits conferred by land rights and connection to country, and inequitable access to Aboriginal housing stocks as a result of being forcibly removed.</p>	<p>3, 4, 33a, 42</p>		●	●	●	●	●	●	●	●	●	●	●
<p>Explore the possibility of establishing a joint aged care facility for the survivors of the Coota Girls Home and the Kinchela Aboriginal Boys Training Home.</p>	<p>3</p>			●									
<p>The NSW Government to lobby for the return of all Australian prisoners who are members of the Stolen Generations or their direct descendants who are incarcerated overseas. Immediate action should be taken in the case of John Savage currently held in jail in Florida. He is the descendant of a former KBH boy.</p>	<p>11, 31a, 31b, 31c</p>	●	●	●	●	●	●	●	●	●	●	●	●

Reparation Priority Monetary Compensation

		Expected Work Undertaken															
Our Priority	BTH Recommendation Linkages	2015/16			2016/17			2017/18									
All KBH survivors and Coota Girls 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,	●					●										
Direct descendants of KBH Boys and Coota Girls who are no longer alive 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	●					●							●			
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	●					●										
The NSW Government to establish a funeral fund for the survivors of the Kinchela Boys Home and the Coota Girls Home and their descendants. This includes resources to support our attendance at each others' funerals.	14, 42	●					●							●			

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 components of full and effective reparations that have not been provided to survivors of Coota Girls and Kinchela Boys Home	2a, 2b, 2c, 2d				●	●	●						
Review and commit to the immediate implementation of all outstanding Recommendations from the Bringing them home Report with capacity to benefit survivors of the Coota Girls Home and Kinchela Aboriginal Boys Home and their descendants.	List all outstanding recommendations with capacity to contribute to the health and wellbeing of Coota Girls and Kinchela Men and their descendants.				●	●	●	●	●				
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 Kinchela Boys Home Aboriginal Corporation (2 from each organisation).	2a, 2b, 2c, 2d				●	●	●	●	●	●	●	●	●

Key Action Planning Steps

1. Formal joint presentation of *Our Voice Our, Our Plan – It is About Us*, to the NSW Government.
1. **Identify a mutually endorsed Government Champion to provide oversight of the implementation of the government's response to the NSW Children's Training Homes constituted under the Aborigines Protection Act to 'receive, maintain and train' Aboriginal children removed from their families until 1969**
2. Negotiate a fully costed response to ensure the effective implementation of respective priorities.
3. **Secure the oversight role of the NSW Deputy Ombudsman (Aboriginal Programs) to develop a Cross-Agency Taskforce to oversee the implementation of a program of full and effective reparations for survivors of the NSW Children's Training Homes within reasonable timeframes and in collaboration with the Coota Girls Aboriginal Corporation and the Kinchella Boys Home Aboriginal Corporation.**
4. The Cross-Agency Taskforce will include (2) representatives from the Cootamundra Girls Aboriginal Corporation and (2) representative from the Kinchella Boys Home Aboriginal Corporation.
5. **The Deputy Ombudsman will report to the NSW Parliament, twice a year, on the implementation of full and effective reparations for survivors of the Children's Training Homes constituted under the Act (in line with BTH recommendations and the UN Basic Principles and Guidelines) until all priorities and recommendations are fulfilled.**

Contact Details

Coota Girls Aboriginal Corporation

Chair: Isabel Reid

Kinchela Boys Home Aboriginal Corporation

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Appendix A: New South Wales Government Role in Forcible Removal of Aboriginal Children 1909-1969

The following has been developed by the Coota Girls Corporation to provide access to information concerning violations and reparation mechanisms (UN Basic Principles and Guidelines VII) ©.

The National Inquiry Into The Separation Of Aboriginal And Torres Strait Islander Children From Their Families traced the past laws, practices and policies which resulted in the separation of Aboriginal and Torres Strait Islander children from their families by '*compulsion, duress or undue influence*', referred to as 'forcible removal' between the years 1910 and 1972, and the effects of those laws, practices and policies' (HREOC, 1997).

During the period considered by the National Inquiry, a systematic race-based system operated in New South Wales to remove Aboriginal children under the Aborigines Protection Act 1909-1969. While the stated purpose of the Aborigines Protection Act was to 'provide for the protection and care of Aborigines', it was used, first by the Aborigines Protection Board (1909-1939) and then the Aborigines Welfare Board (1940-1969), to establish a system that supported the forcible removal of Aboriginal children in New South Wales over a period of sixty years, from 1909 until 1969.

The two Childrens' Training Homes established under sections of the Act, the Cootamundra Girls Home and the Kinchela Boys Home, were fundamental to the process of removing Aboriginal children. When removed Aboriginal children were trained to become domestic servants and farm hands in wealthy non-Aboriginal households. Children in the Homes were referred to as 'inmates' and parents were unable to regain access to their children until they turned 18yrs.

The child-removal system consisted of: the Aborigines Protection Board 1909-1939; the Aborigines Welfare Board 1940-1969; and the Children's Training Homes constituted under the Act, the Cootamundra Domestic Training Home for Aboriginal Girls 1912-1969, and the Kinchela Aboriginal Boys Home 1924-1969. The systematic racial discrimination delivered through this system was documented in the Act and its amendments and articulated in annual reports published by the Boards. This system operated in parallel to the NSW Child Welfare system, until it was dismantled in 1969.

When children were removed and placed in the Training Homes, the Aborigines Protection Board (1909-1939) and the Aborigines Welfare Board (1940-1969) excluded parents from their children's lives. Once isolated in the Training Homes the children were subjected to another process of systematic racial discrimination, designed to: disconnect children from their parents, families, communities and cultures; remove their Aboriginal identity; implement a program of enforced assimilation; and indenture them as servants in non-Aboriginal household and farms, with wages paid to the Boards.

Aboriginal children in NSW continued to be removed, trained and 'apprenticed' in this way until the machinery of forcible removal was dismantled with the Aborigines Act 1969. This included the repeal of the Aborigines Protection Act, the abolition of the Aborigines Welfare Board and the closure of the Children's Training Homes constituted under the Act. The Aborigines Act 1969 had the effect of moving Aboriginal children into the same welfare system as non-Aboriginal children, for the first time. This followed the national referendum in 1967 that transferred responsibility for legislation relating to Aboriginal people to the Commonwealth Government and authorized their inclusion in the Australian census.

Number of Children Forcibly Removed Under the Act 1909-1969 (Stolen Generations)

1909-1915: An estimated 300 Aboriginal girls aged 14 – 21yrs were removed by the Aborigines Protection Board and trained and indentured as domestic servants in wealthy Sydney homes.

Note: *Forcibly removed children would now be aged 100yrs or older.*

Families and communities affected: Parents lived on Board-controlled Aboriginal stations and reserves.

1916-1938: The Aborigines Protection Board records show 2,300⁵ Aboriginal children were removed, placed in the Cootamundra Girls Home and Kinchela Aboriginal Boys Home and employed or apprenticed as domestic servants and farm labourers. Each Home accommodated an average of 50 children. Children in the Homes were

⁵ Read, P. (2006) 2nd Ed. The Stolen Generations: The Removal of Aboriginal Children in New South Wales 1883-1969. NSW Department of Aboriginal Affairs: Sydney.

aged between 5 and 15yrs.

Note: *Forcibly removed children would now be aged 77yrs or older.*

Families and communities affected: Between 1909 and 1939, children were removed from the population of 7,370⁶ to 10,593⁷ people who lived on stations and reserves under control of the Aborigines Protection Board.

1939-1969: The Aborigines Welfare Board records show 825 children aged between 5 and 15yrs were removed and placed in the Cootamundra Girls Home and Kinchela Boys Home to be trained and apprenticed as domestic servants and farm labourers. Between them, the two Homes held an average of 100 children, with an average turnover of 25 children per annum.

Note: *Forcibly removed children would now be aged 46 to 76yrs.*

Families and communities affected: Between 1940 and 1969 children were removed from the population of 15,440 Aboriginal people who lived outside of Sydney (including 6,000 on reserves).⁸

National Population of Stolen Generations

Analysis of national data from the National Aboriginal and Torres Strait Islander Social Survey (NATSISS) conducted in 2008, reveals an estimated 10,500 people aged 45yrs or older – age groups when Stolen Generation policies were in place - reported they were removed from their natural families by governments or welfare.⁹

An estimated 2,500 of these were located in NSW. This represented 11.3% or approx 1 in 10 of those aged 55yrs or older in NSW, and 6.2% of those aged between 45 and 54yrs in NSW, at the time of the survey.

Table: Report being removed from natural family by government or welfare

State	Age group		Age group		Total aged 45yrs and older
	45-54yrs		55yrs & older		
	Number	Proportion	Number	Proportion	
WA	1,300	20.7%	1,500	26.8%	2,800
NSW	900	6.2%	1,600	11.3%	2,500
QLD	900	7.4%	1,400	12.1%	2,300
VIC	600	18.7%	600	17.5%	1,200
SA	500	20.4%	400	15.9%	900
NT	300	6.1%	500	10.5%	800
Total	4,500		6,000		10,500

Source: ABS (2010) NATSISS, 2008: State Tables. Canberra: ABS

Eight years have passed since the NATSISS was conducted, and most (1,600 or 64%) of those who reported being forcibly removed in NSW would now be aged 62yrs or older. The 900 (36%) who were aged 45-54yrs, in 2008 would now be aged between 53yrs and 62yrs.

Population Health Outcomes for Stolen Generations

Since 1994, respondents to national Aboriginal health surveys have been asked whether they were removed from their natural family by government or welfare. Responses are seen as an approximate way to identify members of

⁶ Report of the Aborigines Protection Board for the Year 1909

⁷ Report of the Aborigines Welfare Board for the Year 1939

⁸ NSW Department Aboriginal Affairs (1998) Securing The Truth. NSW Government Submission to the Human Rights and Equal Opportunity Commission Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from their Families. DAA Sydney.

⁹ Australian Bureau of Statistics. (2010). National Aboriginal and Torres Strait Islander Social Survey 2008. Cat. No. 4714.0. ABS: Canberra.

the Stolen Generations: those aged 40yrs or older are seen to have experienced 'forcible removal' before 1972, when discriminatory Stolen Generation policies were still in place. Younger age group are seen to have experienced 'contemporary removal' under child welfare legislations, with the Aboriginal Child Placement Principle in place.

Analysis of the data from the National Aboriginal and Torres Strait Islander Survey show Stolen Generations have been disproportionately affected by the social determinants health (and ill-health), when compared to children raised in Aboriginal communities.

Policies of forcible removal resulted in:

- Lower educational and employment outcomes: the majority (63%) did not receive an education beyond Year 9, compared to 50% of those not removed.
- Less participation in the labour force: 55% not participating compared to 43% of those who were not removed.
- Higher unemployment: the unemployment rate among the Stolen Generations is twice that of those who were not removed (14% compared to 7%).
- A lower proportion of wage earners: 39% are employed, compared to 52.7% of those who were not removed.
- Poorer health: a larger proportion (77%) report a disability or long-term health condition (compared to 66%), and are more likely to report their health is fair or poor (46%), compared to those who were not removed (36%).

Researcher, Dockery has coined the term 'the Stolen Generations effect' to describe the negative socioeconomic outcomes in relation to health, education and employment evident in the 2002 and 2008 National Aboriginal and Torres Strait Islander Social Surveys.¹⁰

Those who had been forcibly removed were more likely to engage in health-risk behaviours:

- Higher rates of smoking: almost half (49%) smoked cigarettes, compared to 40% of those not removed.
- Higher rates of use of illicit substances: 22% reported use of illicit substances, compared to 13% of those not removed.
- Despite consuming alcohol at rates similar to those who were not removed, a higher proportion (13.6%) reported they or their family and/or friends were affected by alcohol-related problems, compared to those who were not removed (6%).

In addition, members of the Stolen Generations were more likely to:

- Experience discrimination: twice as likely to have experienced discrimination (13%), compared with those who were not removed (5%).
- Come into contact with the criminal justice system: almost half (49%) reported being charged by police, compared with 32% of those who were not removed.
- Be incarcerated: a quarter (25%) reported being incarcerated at some point in their lives, compared with 10% of those who were not removed.¹¹

Childhood adversities and trauma such as those experienced in the NSW Children's Training Homes have been shown to have life-long effects on health and wellbeing. For example, a decade-long study examining specific types of adversity in the first 17 years of life, termed Adverse Childhood Experiences (ACE) demonstrated those who had experienced four or more categories of adverse childhood events had a significantly higher risk of adult onset of chronic disease, such as cardiovascular disease, cancer, chronic lung disease, and diabetes; a four to twelve-fold increase in risk for alcoholism, drug abuse, depression, and suicide attempt; and a two to

¹⁰ Dockery, A. (2009), 'Culture and Wellbeing: The Case of Indigenous Australians', Discussion Paper 09/1, Centre for Labour Market Research.

¹¹ Ibid.

four-fold increase in smoking.^{12 13}

Many of the problems identified in these studies tend to be more common among members of the Stolen Generations, compared to children raised in Aboriginal families and communities.

Thus, Aboriginal children who were forcibly removed from their families and raised in non-Indigenous settings did not end up healthier, better educated or more likely to get jobs than those who were raised in Aboriginal communities. Rather, forcible removal led to a cycle of poverty, ill-health, discrimination and incarceration.

As a result, the Stolen Generations are one of the most disadvantaged groups within the broader Aboriginal and Torres Strait Islander population.

Trans-generational Effects of Forcible Removal

The Bringing Them Home Report highlighted a number of intergenerational effects of forcible removal, and found that 'the overwhelming evidence is that the impact does not stop with the children removed. It is inherited by their own children in complex and sometimes heightened ways'¹⁴.

In 2008, almost one-third (30%) of Aboriginal and Torres Strait Islander young people aged 15-24yrs reported they had relatives who had been removed from their families. Grandparents and great-grandparents were the relatives most frequently reported as being removed (14%), followed by aunts and/or uncles (9%) and parents (7%).¹⁵ It is likely these are the descendants of the Stolen Generations.

Young people in families where older relatives had been removed were more likely than those who had not, to identify with a language group (63% compared with 46%) and recognise their traditional country (74% compared with 56%).¹⁶

Despite this, they were more likely than their peers, to report:

- Being discriminated against (39% compared with 19%)
- Experiencing psychological distress (36% compared with 26%)
- Being arrested in the last five years (23% compared with 14%)
- Using illicit substances (30% compared with 22%).

The proportions of descendants reporting discrimination and use of illicit substances (39% and 30%), were higher than those reported among the Stolen Generations themselves (22% and 13%).

The Western Australian Aboriginal Child Health Survey (WAACHS) conducted in 2001-2002 to examine the effect of removal on descendants, found children who were cared for by a primary carer who had been forcibly removed from their natural family were more than twice as likely to be assessed as being at high risk of clinically significant emotional or behavioural difficulties (such as conduct disorder, ADHD and emotional problems), compared to those with primary carers who had not been removed. However, it was found these effects did not extend beyond two generations.¹⁷

¹² Felitti, V., Anda, R., Nordenberg, D., Williamson, D., Spitz, A., Edwards, V., Koss, M., & Marks, J. (1998). Relationship of childhood abuse and household dysfunction to many of the leading causes of death in adults. *The Adverse Childhood Experiences (ACE) Study. American Journal of Preventative Medicine* 14 (4): 245-58.

¹³ Burke, N., Hellman, J., Scott, B., Weems, C. & Carrion, V. (2011). The impact of adverse childhood experiences on an urban pediatric population. *Child Abuse & Neglect*.

¹⁴ Human Rights and Equal Opportunity Commission (1997) *Bringing them Home. Report of the National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from Their Families.* HREOC, Sydney.

¹⁵ Australian Bureau of Statistics. (2010). *National Aboriginal and Torres Strait Islander Social Survey 2008.* Cat. No. 4714.0. ABS: Canberra.

¹⁶ Ibid.

¹⁷ Silburn, S., Zubrick, S., Lawrence, D., Mitrou, F., De Maio, J., Blair, E., Cox, A., Dalby, R., Griffin, J., Pearson, G. & Hayward, C. (2006) *The intergenerational effects of forced separation on the social and emotional wellbeing of Aboriginal children and young people.* Family Matters No 75. Australian Institute of Family Studies.

Appendix B: Bringing Them Home Report Recommendations

Recording testimonies

1. That the Council of Australian Governments ensure the adequate funding of appropriate Indigenous agencies to record, preserve and administer access to the testimonies of Indigenous people affected by the forcible removal policies who wish to provide their histories in audio, audio-visual or written form.

Procedure for implementation

- 2a. That the Council of Australian Governments establish a working party to develop a process for the implementation of the Inquiry's recommendations and to receive and respond to annual audit reports on the progress of implementation.
- 2b. That the Commonwealth fund the establishment of a National Inquiry audit unit in the Human Rights and Equal Opportunity Commission to monitor the implementation of the Inquiry's recommendations and report annually to the Council of Australian Governments on the progress of implementation of the recommendations.
- 2c. That ATSIC fund the following peak Indigenous organisations to research, prepare and provide an annual submission to the National Inquiry audit unit evaluating the progress of implementation of the Inquiry's recommendations: Secretariat of National Aboriginal and Islander Child Care (SNAICC), Stolen Generations National Secretariat, National Aboriginal Community Controlled Health Organisation (NACCHO) and National Aboriginal and Islander Legal Services Secretariat (NAILSS).
- 2d. That Commonwealth, State and Territory Governments undertake to provide fully detailed and complete information to the National Inquiry audit unit annually on request concerning progress on implementation of the Inquiry's recommendations.

Components of reparations

(Note: recommendations 3 through to 20 define what constitutes a full and effective package of reparations for children who were forcibly removed)

3. *That, for the purposes of responding to the effects of forcible removals, 'compensation' be widely defined to mean 'reparation'; that reparation be made in recognition of the history of gross violations of human rights; and that the van Boven principles guide the reparation measures. Reparation should consist of,*
 1. *Acknowledgment and apology*
 2. *Guarantees against repetition*
 3. *Measures of restitution*
 4. *Measures of rehabilitation*
 5. *Monetary compensation.*

Claimants

4. *That reparation be made to all who suffered because of forcible removal policies including,*
 1. *Individuals who were forcibly removed as children*
 2. *Family members who suffered as a result of their removal*
 3. *Communities which, as a result of the forcible removal of children, suffered cultural and community disintegration, and*
 4. *Descendants of those forcibly removed who, as a result, have been deprived of community ties, culture and language, and links with and entitlements to their traditional land.*

Acknowledgment and apology - Parliaments and police forces

5a. *That all Australian Parliaments*

- 1. Officially acknowledge the responsibility of their predecessors for the laws, policies and practices of forcible removal,*
- 2. Negotiate with the Aboriginal and Torres Strait Islander Commission a form of words for official apologies to Indigenous individuals, families and communities and extend those apologies with wide and culturally appropriate publicity, and*
- 3. Make appropriate reparation as detailed in following recommendations.*

5b. *That State and Territory police forces, having played a prominent role in the implementation of the laws and policies of forcible removal, acknowledge that role and, in consultation with the Aboriginal and Torres Strait Islander Commission, make such formal apologies and participate in such commemorations as are determined.*

Acknowledgment and apology - Churches and others

6. *That churches and other non-government agencies which played a role in the administration of the laws and policies under which Indigenous children were forcibly removed acknowledge that role and in consultation with the Aboriginal and Torres Strait Islander Commission make such formal apologies and participate in such commemorations as may be determined.*

Commemoration

7a. *That the Aboriginal and Torres Strait Islander Commission, in consultation with the Council for Aboriginal Reconciliation, arrange for a national 'Sorry Day' to be celebrated each year to commemorate the history of forcible removals and its effects.*

7b. *That the Aboriginal and Torres Strait Islander Commission, in consultation with the Council for Aboriginal Reconciliation, seek proposals for further commemorating the individuals, families and communities affected by forcible removal at the local and regional levels. That proposals be implemented when a widespread consensus within the Indigenous community has been reached.*

School education

8a. *That State and Territory Governments ensure that primary and secondary school curricula include substantial compulsory modules on the history and continuing effects of forcible removal.*

8b. *That the Australian Institute of Aboriginal and Torres Strait Islander Studies be funded by the Commonwealth to develop these modules.*

Professional training

9a. *That all professionals who work with Indigenous children, families and communities receive in-service training about the history and effects of forcible removal.*

9b. *That all under-graduates and trainees in relevant professions receive, as part of their core curriculum, education about the history and effects of forcible removal.*

Genocide Convention

10. *That the Commonwealth legislate to implement the Genocide Convention with full domestic effect.*

Assistance to return to country

11. *That the Council of Australian Governments ensure that appropriate Indigenous organisations are adequately funded to employ family reunion workers to travel with clients to their country, to provide Indigenous community education on the history and effects of forcible removal and to develop community genealogies to establish membership of people affected by forcible removal.*

Language, culture and history centres

- 12a. *That the Commonwealth expand the funding of Indigenous language, culture and history centres to ensure national coverage at regional level.*
- 12b. *That where the Indigenous community so determines, the regional language, culture and history centre be funded to record and maintain local Indigenous languages and to teach those languages, especially to people whose forcible removal deprived them of opportunities to learn and maintain their language and to their descendants.*

Indigenous identification

13. *That Indigenous organisations, such as Link-Ups and Aboriginal and Islander Child Care Agencies, which assist those forcibly removed by undertaking family history research be recognised as Indigenous communities for the purposes of certifying descent from the Indigenous peoples of Australia and acceptance as Indigenous by the Indigenous community.*

Heads of damage

14. *That monetary compensation be provided to people affected by forcible removal under the following heads.*
1. *Racial discrimination.*
 2. *Arbitrary deprivation of liberty.*
 3. *Pain and suffering.*
 4. *Abuse, including physical, sexual and emotional abuse.*
 5. *Disruption of family life.*
 6. *Loss of cultural rights and fulfillment.*
 7. *Loss of native title rights.*
 8. *Labour exploitation.*
 9. *Economic loss.*
 10. *Loss of opportunities.*

National Compensation Fund

15. *That the Council of Australian Governments establish a joint National Compensation Fund.*

National Compensation Fund Board

- 16a. *That the Council of Australian Governments establish a Board to administer the National Compensation Fund.*
- 16b. *That the Board be constituted by both Indigenous and non-Indigenous people appointed in consultation with Indigenous organisations in each State and Territory having particular responsibilities to people forcibly removed in childhood and their families. That the majority of members be Indigenous people and that the Board be chaired by an Indigenous person.*

Procedural principles

- 17.** *That the following procedural principles be applied in the operations of the monetary compensation mechanism.*
- 1. Widest possible publicity.*
 - 2. Free legal advice and representation for claimants.*
 - 3. No limitation period.*
 - 4. Independent decision-making which should include the participation of Indigenous decision-makers.*
 - 5. Minimum formality.*
 - 6. Not bound by the rules of evidence.*
 - 7. Cultural appropriateness (including language).*

Minimum lump sum

- 18.** *That an Indigenous person who was removed from his or her family during childhood by compulsion, duress or undue influence be entitled to a minimum lump sum payment from the National Compensation Fund in recognition of the fact of removal. That it be a defence to a claim for the responsible government to establish that the removal was in the best interests of the child.*

Proof of particular harm

- 19.** *That upon proof on the balance of probabilities any person suffering particular harm and/or loss resulting from forcible removal be entitled to monetary compensation from the National Compensation Fund assessed by reference to the general civil standards.*

Civil claims

- 20.** *That the proposed statutory monetary compensation mechanism not displace claimants' common law rights to seek damages through the courts. A claimant successful in one forum should not be entitled to proceed in the other.*

Destruction of records prohibited

- 21.** That no records relating to Indigenous individuals, families or communities or to any children, Indigenous or otherwise, removed from their families for any reason, whether held by government or non-government agencies, be destroyed.

Record preservation

- 22a.** That all government record agencies be funded as a matter of urgency by the relevant government to preserve and index records relating to Indigenous individuals, families and/or communities and records relating to all children, Indigenous or otherwise, removed from their families for any reason.
- 22b.** That indexes and other finding aids be developed and managed in a way that protects the privacy of individuals and, in particular, prevents the compilation of dossiers.

Joint records taskforces

- 23.** That the Commonwealth and each State and Territory Government establish and fund a Records Taskforce constituted by representatives from government and church and other non-government record agencies and Indigenous user services to:

1. develop common access guidelines to Indigenous personal, family and community records as appropriate to the jurisdiction and in accordance with established privacy principles,
2. advise the government whether any church or other non-government record-holding agency should be assisted to preserve and index its records and administer access,
3. advise government on memoranda of understanding for dealing with inter-State enquiries and for the inter-State transfer of files and other information,
4. advise government and churches generally on policy relating to access to and uses of Indigenous personal, family and community information, and
5. advise government on the need to introduce or amend legislation to put these policies and practices into place.

Inter-State enquiries

24. That each government, as advised by its Records Taskforce, enter into memoranda of understanding with other governments for dealing with inter-State enquiries and for the inter-State transfer of records and other information.

Minimum access standards

25. That all common access guidelines incorporate the following standards.
 1. The right of every person, upon proof of identity only, to view all information relating to himself or herself and to receive a full copy of the same.
 2. No application fee, copying fee or other charge of any kind to be imposed.
 3. A maximum application processing period to be agreed by the Records Taskforce and any failure to comply to be amenable to review and appeal.
 4. A person denied the right of access or having any other grievance concerning his or her information to be entitled to seek a review and, if still dissatisfied, to appeal the decision or other matter free of charge.
 5. The right of every person to receive advice, both orally and in writing, at the time of application about Indigenous support and assistance services available in his or her State or Territory of residence.
 6. The form of advice provided to applicants to be drafted in consultation with local Indigenous family tracing and reunion services and to contain information about the nature and form of the information to be disclosed and the possibility of distress.
 7. The right of every person to receive all personal identifying information about himself or herself including information which is necessary to establish the identity of family members (for example, parent's identifying details such as name, community of origin, date of birth).
 8. The right of every person who is the subject of a record, subject to the exception above, to determine to whom and to what extent that information is divulged to a third person.

Fol in the NT

26. That the Northern Territory Government introduce Freedom of Information legislation on the Commonwealth model.

Indigenous Family Information Service

27. That the Commonwealth and each State and Territory Government, in consultation with relevant Indigenous services and its Records Taskforce, establish an Indigenous Family Information Service to operate as a 'first stop shop' for people seeking information about and referral to records held by the

government and by churches. That these Services be staffed by Indigenous people. That to support these Services each government and church record agency nominate a designated contact officer.

Training

- 28.** That the Commonwealth and each State and Territory Government institute traineeships and scholarships for the training of Indigenous archivists, genealogists, historical researchers and counsellors.

Indigenous repositories

- 29a.** That, on the request of an Indigenous community, the relevant Records Taskforce sponsor negotiations between government, church and/or other non-government agencies and the relevant Indigenous language, culture and history centre for the transfer of historical and cultural information relating to that community and its members.
- 29b.** That the Council of Australian Governments ensure that Indigenous language, culture and history centres have the capacity to serve as repositories of personal information that the individuals concerned have chosen to place in their care and which is protected in accordance with established privacy principles.

Establishment of family tracing and reunion services

- 30a.** That the Council of Australian Governments ensure that Indigenous community-based family tracing and reunion services are funded in all regional centres with a significant Indigenous population and that existing Indigenous community-based services, for example health services, in smaller centres are funded to offer family tracing and reunion assistance and referral.
- 30b.** That the regional services be adequately funded to perform the following functions.
1. Family history research.
 2. Family tracing.
 3. Support and counselling for clients viewing their personal records.
 4. Support and counselling for clients, family members and community members in the reunion process including travel with clients.
 5. Establishment and management of a referral network of professional counsellors, psychologists, psychiatrists and others as needed by clients.
 6. Advocacy on behalf of individual clients as required and on behalf of clients as a class, for example with record agencies.
 7. Outreach and publicity.
 8. Research into the history and effects of forcible removal.
 9. Indigenous and non-Indigenous community education about the history and effects of forcible removal.
 10. Engaging the service of Indigenous experts for provision of genealogical information, traditional healing and escorting and sponsoring those returning to their country of origin.
 11. Participation in training of Indigenous people as researchers, archivists, genealogists and counsellors.
 12. Participation in national networks and conferences.
 13. Effective participation on Record Taskforces.
 14. Support of test cases and other efforts to obtain compensation.

Return of those removed overseas

- 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.
- 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.
- 31c:** That the Commonwealth take measures to ensure the prompt implementation of the International Transfer of Prisoners Bill 1996.

Research

- 32.** That the Commonwealth Government work with the national Aboriginal and Torres Strait Islander Health Council in consultation with the National Aboriginal Community Controlled Health Organisation (NACCHO) to devise a program of research and consultations to identify the range and extent of emotional and well-being effects of the forcible removal policies.

Indigenous well-being model

- 33a.** That all services and programs provided for survivors of forcible removal emphasise local Indigenous healing and well-being perspectives.
- 33b.** That government funding for Indigenous preventive and primary mental health (well-being) services be directed exclusively to Indigenous community-based services including Aboriginal and Islander health services, child care agencies and substance abuse services.
- 33c.** That all government-run mental health services work towards delivering specialist services in partnership with Indigenous community-based services and employ Indigenous mental health workers and community members respected for their healing skills.

Health professional training

- 34a.** That government health services, in consultation with Indigenous health services and family tracing and reunion services, develop in-service training for all employees in the history and effects of forcible removal.
- 34b.** That all health and related training institutions, in consultation with Indigenous health services and family tracing and reunion services, develop under-graduate training for all students in the history and effects of forcible removal.

Mental health worker training

- 35.** That all State and Territory Governments institute Indigenous mental health worker training through Indigenous-run programs to ensure cultural and social appropriateness.

Parenting skills

- 36.** That the Council of Australian Governments ensure the provision of adequate funding to relevant Indigenous organisations in each region to establish parenting and family well-being programs.

Prisoner services

- 37.** That the Council of Australian Governments ensure the provision of adequate funding to Indigenous health and medical services and family well-being programs to establish preventive mental health programs in all prisons and detention centres and to advise prison health services. That State and Territory corrections departments facilitate the delivery of these programs and advice in all prisons and detention centres.

Private collections

- 38a.** That every church and other non-government agency which played a role in the placement and care of Indigenous children forcibly removed from their families, at the request of an Indigenous language, culture and history centre, transfer historical and cultural information it holds relating to the community or communities represented by the centre.
- 38b.** That churches and other non-government agencies which played a role in the placement and care of Indigenous children forcibly removed from their families identify all records relating to Indigenous families and children and arrange for their preservation, indexing and access in secure storage facilities preferably, in consultation with relevant Indigenous communities and organisations, in the National Library, the Australian Institute of Aboriginal and Torres Strait Islander Studies or an appropriate State Library.
- 38c.** That every church and non-government record agency which played a role in the placement and care of Indigenous children forcibly removed from their families provide detailed information about its records to the relevant Indigenous Family Information Service or Services.

Application of minimum standards and common guidelines

- 39.** That church and other non-government record agencies implement the national minimum access standards (Recommendation 25) and apply the relevant State, Territory or Commonwealth common access guidelines (Recommendation 23).

Counselling services

- 40a.** That churches and other non-government welfare agencies that provide counselling and support services to those affected by forcible removal review those services, in consultation with Indigenous communities and organisations, to ensure they are culturally appropriate.
- 40b.** That churches and other non-government agencies which played a role in the placement and care of Indigenous children forcibly removed from their families provide all possible support to Indigenous organisations delivering counselling and support services to those affected by forcible removal.

Land holdings

- 41.** That churches and other non-government agencies review their land holdings to identify land acquired or granted for the purpose of accommodating Indigenous children forcibly removed from their families and, in consultation with Indigenous people and their land councils, return that land.

Social justice

- 42.** That to address the social and economic disadvantages that underlie the contemporary removal of Indigenous children and young people the Council of Australian Governments,
 - 1. in partnership with ATSIC, the Council for Aboriginal Reconciliation, the Office of the Aboriginal and Torres Strait Islander Social Justice Commissioner and Indigenous community organisations dealing with Indigenous family and children's issues, develop and implement a social justice package for Indigenous families and children, and
 - 2. pursue the implementation of the recommendations of the Royal Commission into Aboriginal Deaths in Custody which address underlying issues of social disadvantage.

Self-determination

- 43a.** That the Council of Australian Governments negotiate with the Aboriginal and Torres Strait Islander Commission, the Aboriginal and Torres Strait Islander Social Justice Commissioner, the Secretariat of National Aboriginal and Islander Child Care and the National Aboriginal and Islander Legal Services Secretariat national legislation establishing a framework for negotiations at community and regional levels for the implementation of self-determination in relation to the well-being of Indigenous children and young people (national framework legislation).
- 43b.** That the national framework legislation adopts the following principles.

1. That the Act binds the Commonwealth and every State and Territory Government.
2. That within the parameters of the Act Indigenous communities are free to formulate and negotiate an agreement on measures best suited to their individual needs concerning children, young people and families.
3. That negotiated agreements will be open to revision by negotiation.
4. That every Indigenous community is entitled to adequate funding and other resources to enable it to support and provide for families and children and to ensure that the removal of children is the option of last resort.
5. That the human rights of Indigenous children will be ensured.

43c. That the national framework legislation authorise negotiations with Indigenous communities that so desire on any or all of the following matters,

1. the transfer of legal jurisdiction in relation to children's welfare, care and protection, adoption and/or juvenile justice to an Indigenous community, region over-representative organisation,
2. the transfer of police, judicial and/or departmental functions to an Indigenous community, region or representative organisation,
3. the relationship between the community, region or representative organisation and the police, court system and/or administration of the State or Territory on matters relating to children, young people and families including, where desired by the Indigenous community, region or representative organisation, policy and program development and the sharing of jurisdiction, and/or
4. the funding and other resourcing of programs and strategies developed or agreed to by the community, region or representative organisation in relation to children, young people and families.

National standards for Indigenous children

44. That the Council of Australian Governments negotiate with the Aboriginal and Torres Strait Islander Commission, the Aboriginal and Torres Strait Islander Social Justice Commissioner, the Secretariat of National Aboriginal and Islander Child Care and the National Aboriginal and Islander Legal Services Secretariat national legislation binding on all levels of government and on Indigenous communities, regions or representative organisations which take legal jurisdiction for Indigenous children establishing minimum standards of treatment for all Indigenous children (national standards legislation).

National standards for Indigenous children under State, Territory or shared jurisdiction

45a. That the national standards legislation includes the standards recommended below for Indigenous children under State or Territory jurisdiction or shared jurisdiction.

45b. That the negotiations for national standards legislation develop a framework for the accreditation of Indigenous organisations for the purpose of performing functions prescribed by the standards.

Standard 1: Best interests of the child - factors

Standard 2: When best interests are paramount

Standard 3: When other factors apply

Standard 4: Involvement of accredited Indigenous organisations

Standard 5: Judicial decision making

Standard 6: Indigenous Child Placement Principle

Standard 7: Adoption a last resort

Standard 8: Juvenile justice

- 53a.** That the national standards legislation incorporates the following rules to be followed in every matter involving an Indigenous child or young person.
- 53b.** That the national standards legislation provide that evidence obtained in breach of any of the following rules is to be inadmissible against the child or young person except at the instance of the child or young person himself or herself.

- Rule 1. Warnings
- Rule 2. Summons, attendance notice
- Rule 3. Notification
- Rule 4. Consultation
- Rule 5. Interrogation
- Rule 6. Caution
- Rule 7. Withdrawal of consent
- Rule 8. Recording
- Rule 9. Bail
- Rule 10. Bail review
- Rule 11. Bail hostels
- Rule 12. Detention in police cells
- Rule 13. Non-custodial sentences
- Rule 14. Sentencing factors
- Rule 15. Custodial sentences

Family law

- 54.** That the Family Law Act 1975 (Cth) be amended by:
1. including in section 60B(2) a new paragraph (ba) `children of Indigenous origins have a right, in community with the other members of their group, to enjoy their own culture, profess and practice their own religion, and use their own language'; and
 2. replacing in section 68F(2)(f) the phrase `any need' with the phrase `the need of every Aboriginal and Torres Strait Islander child'.