

**Supplementary
Submission
No 31a**

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

Organisation: Kinchela Boys' Home Aboriginal Corporation

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KINCHELA BOYS HOME
ABORIGINAL CORPORATION



Supplementary Submission

GPSC No. 3 Inquiry into reparations for the Stolen Generations in New South Wales

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Introduction

This supplementary submission is divided into three sections. The first section provides further information about comments found in the transcript from the 7 December 2015 public hearing for this inquiry, which took place in Kempsey at the Kempsey-Macleay RSL Club, 1 York Street, Kempsey. The second section discusses and makes recommendations relating to the legal proceedings involving members of the Stolen Generations and monetary compensation they are receiving here in NSW. And the third section provides additional information and recommendations relating to point three of the Inquiry's terms of reference and issues in relation to guarantees against repetition and measures of restitution.

1. Clarification of comments made in the 7 December 2015 Inquiry Hearing Transcript

A) KBHAC Healing Gatherings

KBHAC healing gatherings are usually held over a period of four days. Of those four days, only two are spent doing healing activities. The reasons for this limited amount of time is due to the following:

- 1) The time of travel involved: most of our gatherings are held in Kempsey and this requires a day to get to the gathering and a day to return.
- 2) Extending time spent together would mean increasing our accommodation and catering costs, staff costs, and carer costs (the later so we can ensure all participants are supported), something we don't have the budget for.
- 3) The cost of hiring appropriate workshop facilitators is prohibitive and has to be reduced to a minimum.

KBHAC has only recently received funding for these healing gatherings; they have taken place regularly (2 x year) since 2012. Bringing the KBH Survivors and families together regularly has helped build stronger relationships between KBHAC members and also greater understanding of their own individual and family experiences. A lot of the families have felt isolated because most of the men did not talk about their experiences, something that has only changed more recently.

Those who participate in these gatherings (usually we have 40 – 50 KBH survivors and family members (partners / siblings / descendants (a number that is increasing as word about KBHAC and our work spreads) at each gathering) are the first to say that some of their best healing occurs when they are together. These gatherings provide a space for yarning circles to address some of the key issues affecting the men and their families. Besides the yarning circles, some of the activities we have undertaken during the healing gatherings have included:

- Art therapy workshops
- Recording KBH survivors' testimonies

- Social and Emotional Wellbeing Workshops, in particular around trauma and intergenerational trauma

The KBHAC healing gatherings have also provided an opportunity for other community members (Aboriginal and non-Indigenous) to participate in some of the activities. This has been especially important in Kempsey where most of our gatherings have been held because of the particular relationship of KBH to that community. It has been important though to hold gatherings in other communities where the legacies of KBH continue to be felt by individuals, families and communities. These community healing activities provide a safe space for community members to connect with the KBH survivors and their families so they can learn more about KBH also share their experiences of KBH with the KBH survivors and their families (this includes what it was like to have boys taken from the communities, history about the communities and the properties that some of the men were apprenticed to when their time ended in KBH).

The follow up and time between gatherings is a challenge for KBHAC due to our current resources: we cannot do regular outreach to men and their families to continue to advance the healing processes that occur during gatherings.

B) KBHAC Healing Centre

Over the past year, a focus of the conversations and workshops at these healing gatherings has been connected to two of our current projects: the development of a conservation management plan for the former Kinchela site and scoping study for a KBHAC Healing Centre. The latter is a project that was funded by The Healing Foundation (healingfoundation.org.au), and involved research support from Muru Mari Indigenous Health Unit at the University of New South Wales. Consultations from that study identified the need for a healing centre, the location of that centre and what would take place at a KBHAC Healing Centre. After wide consultation, the recommendations are now being collated and a formal document will be available shortly. This will describe the primary aim of the centre, its location and the reasons for the location and the activities that will be conducted there. Once the document is complete, a financial viability study and potential partners will be developed and it is hoped the NSW Government will contribute strongly in supporting bringing this to reality.

C) The Former Kinchela Site: A Kinchela Boys Home Museum to be located on the site

During the KBHAC Healing Centre scoping study consultations, KBH Survivors and members of their families, identified that they find the current state of the former Kinchela site quite upsetting. What upsets them is that the KBH history remains largely invisible to anyone visiting or passing by the site. This creates stress because it provokes fear that once the last KBH Survivor passes away, this history will be lost and forgotten. Although

there are remnants of some of the original buildings, the history of KBH and its existence there remains invisible.

Conducting visits to this site is an important part of the healing for the men and their families. This is especially so for the men's descendants, in particular those descendants whose KBH family member has passed away. Being able to access the site to try and understand more about KBH and their relative's experiences there is something they have identified as helping to heal this part of their families' pain. Two of the first questions KBHAC gets asked by KBH descendants are whether the KBHAC office is located on the site and if there is a museum and educational tours of the site.

Creating this museum and restoring parts of the site to how it was during the years KBH was operational is part of the healing process for the KBH survivors and their families and descendants. The site has been heritage listed and KBHAC is in the process of completing a conservation management plan for the site. This report will be submitted 1 May 2016 to the NSW Heritage Council, which funded the conservation management plan study. KBHAC hopes to have discussions with the Kempsey Local Aboriginal Land Council and Benelong's Haven about this museum and locating this on the site.

Other Stolen Generations sites have been returned / purchased for the former residents. An example of this is Sister Kate's in Perth, which is now an aged care facility and healing centre benefitting those who went through that institution and their descendants. The Indigenous Land Corporation (ILC) purchased the site from the Uniting Church that owned it. As described below, the West Australian Government also contributed financially to the redevelopment of the site into its current use:

The ILC's contributed \$1.2m towards capital development, restoration and refurbishment, while the WA Department of Housing and Works contributed \$12m on the independent living units. Lotterywest provided \$1.9m for construction of the healing centre. The Uniting Church as vendor placed 50% of the sale proceeds (\$4.5m) in two equal amounts into trusts established by Sister Kate's Children Aboriginal Corporation and Sister Kate's Home Kids Aboriginal Corporation. Proceeds generated by the trusts will be used to fund ongoing management of the property¹.

Each group of survivors of these institutions needs to be consulted about what these sites mean to them and what they want on those sites. In the case of the Kinchela Survivors, a museum and truth telling space is important. A KBHAC healing centre needs to be located elsewhere because not all of the men are able to return to the site or feel comfortable staying on the site over night.

2. Legal Proceedings and Monetary Compensation for members of the Stolen Generations

This section provides additional information to that provided by Mr John Williams, found

¹ <http://www.ilc.gov.au/Home/Our-Land-Projects/Sister-Kate-Aged-Care>

in this Inquiry's uncorrected transcript of the Report of In-Camera Proceedings from Thursday 5 November 2015. KBHAC offers some recommendations for future legal proceedings surrounding monetary compensation involving members of the Stolen Generations and is based on some of the experiences of the KBH survivors in the current legal process.

Monetary compensation as part of the reparations package for members of the Stolen Generations is something KBH Survivors have advocated for prior to the release of the Bringing Them Home Report and since KBHAC incorporated in 2002. A class action process was identified as the way to achieve this however finding a major law firm who would undertake this work pro bono was a challenge and KBHAC was unsuccessful in finding someone who would undertake this work. This search took place close to a decade and as Mr Williams mentions (page 4 of the 5.11.2015 transcript) a lawyer offered to undertake this work but unfortunately did not have the capacity to do the work and only recently Carroll and O'Dea agreed to undertake this work. The present arrangement is for payment of a fee to Carroll and O'Dea (a percentage of any settlement received).

To get the legal proceedings functioning as they are at present has been a challenging experience and some of what has occurred can hopefully be avoided in the future. As it has unfolded over the years, this process has been incredibly stressful for the KBH Survivors and their family members. The sources of this stress have been multiple:

- Confusion over who has been leading the legal proceeding negotiations as this changed over time and identifying who should be responsible for collecting information from individuals on behalf of the solicitors.
- Challenges to understanding the correspondence that KBH Survivors have received which at times has led to undue frustration, uncertainty and feelings of despair.
- Limited culturally appropriate therapeutic support made available to the KBH Survivors and the family members supporting them during the process, which in some instances has led to the re-traumatising of individuals.

The process at present seems to have resolved a lot of these stresses. Time is an issue however and the length of proceedings is still worrying due to the health of some of the KBH Survivors. Expediting these matters as much as possible is important.

Some of the recommendations that KBHAC would suggest for any future proceedings are the following:

Recommendation 1: Clear communication strategy be devised for any monetary compensation scheme established for members of the Stolen Generations

Recommendation 2: Plain English communication to individuals involved in proceedings followed up by phone calls and face-to-face meetings to explain what has been communicated to them

Recommendation 3: Practitioners involved in any monetary compensation scheme be trained prior to commencing any proceedings in trauma informed practice and develop a trauma-informed approach to working with members of the Stolen Generations and their families / support persons in any proceedings

Recommendation 4: After Care support be provided to all participants. It is unclear whether the current offer of counseling is appropriate in and of itself and whether there is other after care support that needs to be considered.

Recommendation 5: Qualified financial planning advice and support be offered to individuals to help ensure any monetary compensation be protected and maximized over time, according to their wishes.

3. Additional information and recommendations relating to Point Three of The Inquiry's terms of reference

The final section of this supplementary submission focuses on access to personal records and information. Notwithstanding the great work the Family Records Unit in Aboriginal Affairs NSW has done to help simplify the search for the NSW Aborigines Protection and Aborigines Welfare Board records, there are still many challenges encountered in trying to find individual and family records. Aboriginal Affairs NSW's Family Records Unit does not hold all records pertaining to members of the Stolen Generations.

For example, when KBH closed, some of the boys were sent to other institutions and placed in foster care. Some of those records are with the current Department of Families and Community Services (FaCS). Currently there is no process (as far as KBHAC is aware) in place for record sharing across departments. In the instance described above, a KBH Survivor has to approach FaCS for those records. For an individual or family attempting to undertake this work alone it becomes quite onerous trying to identify where records might be. Identifying ways locating records across agencies (including records held by non-government agencies and organisations) could be brought together into individual files held by an agency (such as the Family Records Unit in Aboriginal Affairs NSW or some other agency / collection) would help. As a matter of urgency KBHAC would suggest a Stolen Generations records task force be established to address this issue.

On this matter, KBHAC would like to draw the Committee's attention to the NSW State Library's statement on the importance of access to historical collections for members of the Stolen Generations:

The State Library of NSW is a member of National State Libraries Australasia (NSLA), and supports the NSLA [National position statement for Aboriginal and Torres Strait Islander library services and collections](#). This position statement notes that:

NSLA also acknowledges that dispossession of Aboriginal and Torres Strait Islander peoples from their lands, the dispersal and relocation of communities, the erosion of traditional customs and languages, and the removal of children from their families, have resulted in the disconnection of generations of families from their traditional homelands,

languages and culture. The library and information sector is a vital access point for Aboriginal people and Torres Strait Islanders to access material reflecting their past as well as resources to strengthen their future.

NSLA actively seeks to promote standards of excellence across the library and information sector, with a focus on the following key areas:

- The right of Aboriginal and Torres Strait Islander peoples to be informed about collections that exist relating to them, their culture, language and heritage.'
- The right of Aboriginal and Torres Strait Islander peoples to determine use and access provisions for heritage materials which reflect Aboriginal and Torres Strait Islander history, culture, language and perspectives.
- The inclusion of Aboriginal and Torres Strait Islander peoples in decision making processes, at all levels, to achieve informed and appropriate directions and agendas across the library and information sector.
- The development of strategies to increase employment and retention of Aboriginal and Torres Strait Islander staff within the library and information sector.
- The development of strategies to strengthen cultural competency across our workforce, including knowledge and awareness of issues for Aboriginal and Torres Strait Islander library users.
- The development of strategies to return usable copies of collection material to cultural owners to support cultural and language maintenance or revitalisation.

The State Library of NSW acknowledges the challenges that many Indigenous Australian people face in accessing their cultural heritage materials held in collections. The Library is committed to working with Aboriginal and Torres Strait Islander peoples and communities to collect and share stories relating to the history of NSW, especially through the leadership of the Indigenous Services Branch. The stories and experiences of the Stolen Generations are an important component of this history.

Further information can be found here:

- NSLA Indigenous Project Group: <http://www.nsla.org.au/projects/indigenous>
- Indigenous Services at the Library: <http://www.sl.nsw.gov.au/about-library-services/indigenous-services>