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**REPORT OF PROCEEDINGS BEFORE**

# GENERAL PURPOSE STANDING COMMITTEE NO. 3

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

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**At Sydney on Tuesday 9 February 2016**

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**The Committee met at 10.10 a.m.**

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**PRESENT**

Ms J. Barham (Chair)

The Hon. B. Franklin
The Hon. C. Houssos
The Hon. N. Maclaren-Jones (Deputy Chair)
The Hon. S. Mitchell
The Hon. S. Moselmane
Reverend the Hon. Fred Nile

**CHAIR:** Welcome to this hearing of the General Standing Committee No. 3, inquiry into Reparation for the Stolen Generations in New South Wales. Before I commence I would like to acknowledge the Gadigal people, who are the traditional custodians of this land. I pay my respect to Elders past and present and extend that respect to any other Aboriginal people with us today. The inquiry is examining a number of important issues for the members of the Stolen Generations, including implementation of the New South Wales Government's response to the "Bringing them home" report and potential policies and legislation to help make reparations to members of the stolen generation and their descendants.

Given the importance of this inquiry we would like to encourage people to come forward to share their story. The closing date for submissions has been extended until 10 March so please let people know that that opportunity still exists. To date the Committee has had four hearings: in Sydney, Wagga, Kempsey and Grafton. In addition to today's hearing there will be another hearing tomorrow held in Sydney, as well as further hearings in Broken Hill and Walgett. The Committee will also hold a hearing in Nowra on 2 March.

Today we have had a change in our schedule as Mr Edward Santow from the Public Interest Advocacy Centre is unable to attend due to illness. We will hear from the Healing Foundation; the Aboriginal Child, Family and Community Care State Secretariat; the New South Wales Aboriginal Land Council; members of the community and academics. Our first witnesses are from Winangali Marumali.

Before we commence I would like to make some brief comments about the inquiry and the procedures. First of all, I ask all present to switch their mobile phones off or to put them on silent. In accordance with broadcasting guidelines, while members of the media may film or record Committee members and witnesses people in the public gallery should not be the primary focus of any filming or photography. I remind media representatives that you must take responsibility for what you publish about the Committee's proceedings. It is important to remember that parliamentary privilege does not apply to what witnesses may say outside of their evidence at the hearing. I urge witnesses to be careful about any comments you may make to the media or to others after you complete your evidence as such comments would not be protected by parliamentary privilege if another person decided to take an action for defamation.

The guidelines for the broadcast of proceedings are available from the secretariat. There may be some questions that a witness could only answer if they had more time or with certain documents to hand. In these circumstances witnesses are advised that they can take a question on notice and provide an answer within 21 days. Witnesses are advised that any messages should be delivered to the Committee members through the Committee staff.

**AUNTY LORRAINE PEETERS**, Director, Winangali Marumali, and

**SHAAN HAMANN**, Partner, Winangali Marumali, affirmed and examined:

**CHAIR:** I welcome our first witnesses. It is lovely to have you back in Parliament House, Aunty Lorraine Peeters.

**Aunty LORRAINE PEETERS:** First and foremost, I acknowledge the traditional owners of this land upon which I am speaking today. I thank the Committee for the opportunity to appear before it. I will take the Committee back. My first point is that the New South Wales Government owned and ran the Cootamundra Aboriginal Girls' Training Home and the Kinchela Boys' Home, which hundreds of children were placed in and put through. I was removed from the Brewarrina mission. There were eight of us altogether—the six girls were put in the Cootamundra girls' home and my two brothers went to the Kinchela Boys' Home.

Both institutions were very military like. We suffered collectively and we need to heal collectively. In Cootamundra we were solely trained as domestics and education was a non-event. We were not there for anything else. We were placed out with white families. For the next 15 years of my life that is where I was brought up. We were brainwashed to act, speak and dress white; and even to think it. If we did not, and we forgot to be white, we were punished. I am telling you this because it was done on a daily basis—it was part of the assimilation policy that we would become the person they wanted us to be.

I always say that you can take a child at the age of two and turn it into whatever you want. Nobody told us that later in life we would have mental health issues. Right now the country is overwhelmed by the state of the mental health of the Stolen Generations. It affects not only my generation but also my children, my grandchildren and my great-grandchildren. This trauma is passed down. It comes as a shock when you realise you are not the person you thought you were. So the undoing of all those teachings is what my program is all about. It is about deprogramming oneself from what you were taught as a child and finding your true self as an Aboriginal person. That is what the Marumali program is about.

Since the apology in 1997 from the New South Wales Government we have not had any further discussions or further reparations around health or health, social and emotional wellbeing. There was a failure to engage with former residents of the Cootamundra Aboriginal Girls' Training Home and the Kinchela Boys' Home. If they had consulted us, they would have seen the devastation left in the wake of the policy. They would have taken seriously our "All One Statement by Coota Girls Corporation". It was put together by the Cootamundra women 2010 and updated in 2015. This document shows you what our needs are. As we are getting on in age, there is not much time left to fix this for my generation.

I will touch on the Marumali program itself. I struggled for three years when I was going through my healing process. Knowledge of the trauma was unheard of. The only thing available back then was the mental health model, which did not fit what I was going through. So how did I heal? I healed through writing. For three years on a daily basis I wrote about my feelings and thoughts to get through what I was going through, because you have to feel to heal—you cannot just be diagnosed and be given medication because that will just delay the process. So my writing turned into the program itself after the three years. We have been running it for 16 years now. Why am I doing it? It is so that we, the Stolen Generations, can receive good quality care. Also all workers working with Stolen Generations must become trauma-informed.

What would I like to see happen? I would like to see continued support for former residents and for all members of the Stolen Generations, continued healing our way and for the Committee to read the "All One Statement by Coota Girls Corporation". I would like governments to address the recommendations of the "Bringing them home" report. We need to have a workforce that is trauma-informed. Most important of all is that our children and grandchildren do not continue with this horrible trauma that we go through. We have to break the cycle somewhere. For as long as the recommendations are not being met, we will not break the cycle, I feel. It has all been done. The "Bringing them home" report is like our *Bible*. We had some wonderful people write that up. They spent a lot of time on it. Thousands of us gave evidence back then so that report could become something that we could be guided by.

I would say Marumali and Link-Up are the only Indigenous healing models that aim to repair the damage and are out there that have been proven and been evaluated to inside out. How many times have we been evaluated? That is my opening statement. Ms Hamann, do you want to add anything?

**Ms HAMANN:** No.

**CHAIR:** Thank you. We will now go to questions.

**The Hon. SHAOQUETT MOSELMANE:** Thank you, Aunty Lorraine Peeters, for speaking to us this morning. Can you elaborate and put on the record how you suffered and the trauma you continue to suffer? It is important for us to hear the story from those people who have suffered under the Stolen Generations.

**Aunty LORRAINE PEETERS:** I would probably need to put you in my place, if I took you as a young child from your family and from your culture and forced you into another situation and another's culture. The losses for you are massive. In our culture we lose our culture; we have lost our land, our language, our spirit, our spirituality—all that.

**Ms HAMANN:** And our identity.

**Aunty LORRAINE PEETERS:** Our identity, first off, our belonging place, which is so important to us. It goes on—like your law, your dreaming and all that goes in that package of culture. Being a small child and turning into an adult person, that loss in between, does not strike you until you are triggered into some healing process. But the loss, I would say, is the key to why we are like we are, because our belonging place we no longer know about or have. Then we use Link-Up to find our way back to that. If we can go through the losses for an individual—they are going to be different but very similar for every person that was taken. You are talking about community, you are talking about the loss of family, extended family—all that.

**The Hon. SHAOQUETT MOSELMANE:** Apart from the mental trauma, was there physical punishment at the time you were at those homes?

**Aunty LORRAINE PEETERS:** Oh, yes, in my time very much so. I was really sorry I missed the visit you did to Cootamundra because I would have pointed out where that took place. It was not only in rooms the abuse took place; it was also all around the grounds. The staff carried a whip all the time with them—it was never out of their hands—so the threat of power was there the whole time as you were growing up.

**Ms HAMANN:** And the abuse included sexual abuse, the emotional abuse, the physical abuse.

**Aunty LORRAINE PEETERS:** That is where your emotional trauma comes from.

**The Hon. SHAOQUETT MOSELMANE:** You mentioned a number of potential reparations but you did not mention financial reparations. There have been discussions about various figures being bandied around—for example, I think in South Australia there were suggestions of $50,000. In your view, what would be an appropriate financial support for people who have gone through this trauma?

**Aunty LORRAINE PEETERS:** It would be hard to do because not all of us are the same. Some were only in there a few years; some were there for all their lives, so it is hard to put a price on that. But the price you pay for losing everything is still the same; you cannot measure pain, so that loss is massive for any person removed from family.

**Ms HAMANN:** I do not know that you could even compensate that kind of harm with monetary value. I think that would be difficult.

**Aunty LORRAINE PEETERS:** Monetary would probably soften it, but I think it has to be ongoing support for both—

**Ms HAMANN:** Families that were left behind.

**Aunty LORRAINE PEETERS:** And for the ones that were left behind, the communities and families that are still out there suffering from children being taken from them even today.

**Ms HAMANN:** Many of the first stolen generation members have passed on but their families are still here.

**Aunty LORRAINE PEETERS:** Suffering.

**Ms HAMANN:** I think they are often forgotten in the way we look at this.

**The Hon. COURTNEY HOUSSOS:** Thank you so much for sharing your time with us. We had a very moving visit to the Coota girls home. It was an experience I think none of us will ever forget. We were really lucky to share that with some of the old girls and it gives us a unique insight into some of the things the girls suffered. We heard testimony from some former residents on the concept of communal healing. They felt the best healing was with other former residents. Do you have any views on that?

**Aunty LORRAINE PEETERS:** Very much. They call that "collective healing" and that can only happen if you are together. They are your sisters and brothers, so for them to come together is a healing process in itself. We are about to release a document on collective healing in a couple of days. I am sure Mr Weston will talk about that later. We have said: Do we want one on one? You cannot rule out one on one because there might be those that want privacy, but if you are going to heal you are going to do that in the group. Last September, I saw how important it was to do group healing when my family—the family I am talking about is my family that were removed—put together a reunion for all six generations.

We came together in Warren over two days to let those little fellas, little people, know where they come from, where they belong, who they are and to strengthen their identity and spirit. We had our ceremonies out there on the old mission. Eight hundred registered, 400 turned up, so we had six generations for group healing. That is another way we can look at healing. As far as Coota and Kinchela, that group healing is probably the best way for us.

**The Hon. COURTNEY HOUSSOS:** Do you have any views, as a former resident, about what should be done with that actual site?

**Aunty LORRAINE PEETERS:** We talked about it being a keeping place for us, if we could get it back. We even approached the Jewish Museum to give us some ideas about how you walk through a building and sit and have a video playing and this room is for this—that is the vision we have for it if we ever got it back.

**Ms HAMANN:** Like a museum.

**Aunty LORRAINE PEETERS:** It would be like a keeping place for us as well. People say, "Oh, no, just trash it, bulldoze it down," but we need something to be remembered by because this was a huge policy.

**Ms HAMANN:** And for people of my generation and for subsequent generations and the non-Aboriginal community to learn. It is never going to be forgotten if it is there and schools can travel through it and those who have lost their parents could visit there as well.

**Aunty LORRAINE PEETERS:** I always have grandchildren of former residents ask me: "What did my mum do?" You have to walk them through, but if we had the home back they could go there themselves and learn the history.

**Reverend the Hon. FRED NILE:** Have there been any attempts to have the building declared a heritage building? Is it a heritage building?

**Aunty LORRAINE PEETERS:** I am not sure.

**Reverend the Hon. FRED NILE:** There is probably a need to do that to protect it from being demolished, as you said a moment ago.

**Ms HAMANN:** I think there might be some sort of heritage protection. When Bimbadeen were using it they started to make some changes and a stop was put to that at some point. So there is some sort of heritage protection.

**Reverend the Hon. FRED NILE:** Many of the witnesses we have already heard from have talked about your healing model and the need for healing centres. They used the term "healing centres". Are you helping to establish those healing centres?

**Aunty LORRAINE PEETERS:** I want to be part of it, especially for the Cootamundra women and their children and grandchildren. I want to help put that centre together.

**Reverend the Hon. FRED NILE:** Are there any healing centres that you know of? Are you coordinating them?

**Aunty LORRAINE PEETERS:** Not at all, no.

**Reverend the Hon. FRED NILE:** You would like to see that, though.

**Aunty LORRAINE PEETERS:** If we had one it would be a place where we could go to have our gatherings and our healing weekends. Right now we have to stay in hotels. It is not very private. Sometimes it feels clinical to be sitting around talking about trauma when there are people walking in and out.

**Reverend the Hon. FRED NILE:** You mentioned that you had invited 800 people. Do you have a database of survivors?

**Aunty LORRAINE PEETERS:** No. They were only my family members.

**Reverend the Hon. FRED NILE:** They were not all stolen children?

**Aunty LORRAINE PEETERS:** No. I am one of eight children: six sisters and two brothers.

**Reverend the Hon. FRED NILE:** It was all their descendants and relatives.

**Aunty LORRAINE PEETERS:** Yes, of one family, and the family on my father's side.

**The Hon. SARAH MITCHELL:** You run programs throughout the State. You go to any family that contacts you. Is that how it works? How do you work out where to hold programs?

**Ms HAMANN:** We travel all over Australia. We primarily train Aboriginal counsellors in the healing model that Mum developed from her own experiences. We also train non-Aboriginal counsellors, health practitioners and anyone who supports Aboriginal people in their workplace. We have been delivering the program to prison inmates in Victoria since 2002. It is a model that can be delivered to survivors or to workers, to give them a trauma-informed approach so that they can provide trauma-informed care.

**The Hon. SARAH MITCHELL:** Are you funded by the Government?

**Ms HAMANN:** We were funded by the Commonwealth Government for the first six years. Since then we have become a private, self-sustained business.

**The Hon. SARAH MITCHELL:** Aunty Lorraine, in your opening comments you said that we need a workforce that is trauma informed. That is really significant information that the Committee should take on board. It is important not just for people who work with members of the Stolen Generations and their families but across the board. A lot of government agencies and departments do not have the cultural sensitivity that they should have. Other witnesses have mentioned that people might be asked questions when they present to a hospital or go to a doctor, but they do not feel comfortable talking about it because they do not feel that there is any cultural awareness. Do you think the Committee should look at making recommendations for a range of government departments and agencies about displaying greater sensitivity towards members of the stolen generation? Do you think there is a lack of awareness?

**Aunty LORRAINE PEETERS:** There is a huge lack of knowledge out there. The program has been run over the years not just for members of the stolen generation. We run a two-day program for non-Aboriginal people who are working with families. They have experienced trauma too and they find it hard to get through their healing. The lack of trauma-informed workers across Australia is huge. A lot of departments that work with or beside Aboriginal people do not understand. For some reason it is not taught in universities. We have been told over the years to just get on with life, but a lot of people do not know how to grieve properly. If you do not know that, how can you have empathy for people?

**The Hon. SARAH MITCHELL:** Thank you.

**CHAIR:** Do you think it would be advantageous and/or appropriate if, when people make contact with government agencies for housing, health or whatever reason, they are asked whether they have an experience with the stolen generation themselves, or through family members or their community? There seems to be a lack of data about how many people have been affected. We have seen data about incarceration and the negative aspects, but we do not have data to understand the correlation. Would it be offensive or difficult to ask people at their first encounter with a government agency whether they have a connection, or would it be good to know that someone is interested?

**Ms HAMANN:** There is a mixed view on that. This question often comes up in our training, and there is a lot of discussion on it. Some people would feel offended if they were asked that. Mum's view is that that question must be asked because once you establish that you can take a different path.

**Aunty LORRAINE PEETERS:** That question was my saviour. It enabled me to think, "This fella knows what I went through." The question to ask anybody is not "What happened to you? but "How can I help you?" They are two different things.

**Ms HAMANN:** Yes, "Tell us what happened; tell us your story."

**Aunty LORRAINE PEETERS:** Yes. I feel it has to be asked up front.

**Ms HAMANN:** It should be asked, no matter whether they are associated with it directly or indirectly. Most Aboriginal families have an indirect connection to a member of the stolen generation.

**The Hon. NATASHA MACLAREN-JONES:** How many people go through the program, on average, each year?

**Ms HAMANN:** It changes from year to year. Between 2000 and 2012 about 2,500 people went through it. We held more than 200 five-day workshops in that period. I do not have the exact figures with me today.

**The Hon. NATASHA MACLAREN-JONES:** That is fine. It is a large number. Congratulations on your work.

**Ms HAMANN:** Yes, and we consider our groups to be quite small. We cap the number of participants at 15 for the five-day workshop and 20 for the non-Aboriginal training workshops.

**The Hon. NATASHA MACLAREN-JONES:** You mentioned that you do some work in Victoria. Are the majority of people that you engage with based in New South Wales?

**Ms HAMANN:** No. Our statistics show that participation is highest in Victoria, probably because of our involvement with the Victorian prison system. They have been very open to us going into prisons to work with Aboriginal inmates. We have been doing that since 2002. Overall, the statistics show higher participation in Victoria than in any other State.

**The Hon. NATASHA MACLAREN-JONES:** You mentioned also that you run programs for people who are not members of the stolen generation. Would you outline the different needs of those groups—that is, members of the stolen generation versus people who are not members of the stolen generation? Are there particular differences in the program? Do you need to adapt it?

**Aunty LORRAINE PEETERS:** It is only since the Healing Foundation came on board that we were able to do survivors, because they help financially for survivors to have this healing. We cannot finance those ones. We have to be invited in.

**Ms HAMANN:** Overall the model is the same though, is it not?

**Aunty LORRAINE PEETERS:** The model is exactly the same, because we find that Koori workers across Australia, especially the social and emotional wellbeing workforce, get the same training because most of those workers have the same history. We find a lot of healing takes place just with the workers themselves.

**Ms HAMANN:** With the non-Aboriginal workers that we train, we guide them through the process but then we inform them that there is a point at which they must withdraw or, if they were to continue, they must work in partnership with an Aboriginal worker for that cultural safeness. In that training we also focus on informing them about not reactivating the trauma and to be more aware around that kind of thing.

**The Hon. NATASHA MACLAREN-JONES:** My final question is about external support for the work that you do. Have you reached out to other organisations or do you already work in partnership with any organisations that provide support, whether it is through funding—which you have touched upon—assistance with buildings in which to run the healing programs or anything like that? If you are unsure, you can take that on notice.

**Ms HAMANN:** Can you just repeat the first part of that?

**The Hon. NATASHA MACLAREN-JONES:** Are there other organisations that have provided support to you over the years to run the program and what type of support have they provided?

**Ms HAMANN:** Yes. Generally we advertise a few every year, but the majority of our work would be by invitation from a particular organisation that might want us to come in and train their staff or a particular community might invite us in to deliver it. So they would generally seek the funding. We attend by invitation and then deliver it on a fee-for-service basis.

**The Hon. NATASHA MACLAREN-JONES:** Thank you.

**The Hon. BEN FRANKLIN:** One issue which has come up a great deal in the evidence before the Committee is intergenerational trauma. Obviously that is something that your family is conscious of with your six-generational gathering in Warren, which I think sounds amazing. From both personal and professional experience, could you talk about what impacts you believe the intergenerational trauma has had on relatives of the survivors? What can be done to help alleviate those impacts?

**Ms HAMANN:** I will briefly explain my experience. I suppose I have been fortunate enough that as Mum has gone through her healing journey I was walking beside her. The model is about travelling through different stages and dealing with the issues as they arise. So, personally, I was lucky, but for others out there I believe that for the first generation of stolen generation members that disconnection is huge—disconnection from identity, culture and all of those things that Mum mentioned before. The process then is to reconnect them to all those things that were lost at the time of removal. That would include the subsequent generations as well. For our family reunion it was important that we took everyone back and reconnected with everything—that included land, the stories and the teachings—

**Aunty LORRAINE PEETERS:** And traditional knowledge and all that.

**Ms HAMANN:** So I suppose it is the legacy of the first generation members—what they leave behind is carried through. I do not think there is one solution, either, to breaking that cycle of trans-generational trauma. It would depend on the community involved.

**Aunty LORRAINE PEETERS:** But if I was a mother now, in the same situation, that had not gone through my healing, that had turned to alcohol, violence or all those ugly things associated with being removed and the trauma, and my children were watching that, that is all learnt behaviour which continues down the generations. Until we stop it in one generation, it is not going to be stopped. We have to focus in on it. Does that answer your question?

**The Hon. BEN FRANKLIN:** It does. Thank you.

**CHAIR:** Earlier you made a reference to Victoria, about doing work in prisons. How many governments or government agencies, including local government, recognise the work you do and seek to have that incorporated into their governance programs or in particular areas? Is that a change that is needed?

**Ms HAMANN:** Not many.

**Aunty LORRAINE PEETERS:** It is needed. There were one-offs. The Department of Families, Housing, Community Services and Indigenous Affairs [FaHCSIA], for instance, wanted all their staff done, so

we went in and did those. Corrections Victoria wanted all their top staff done, so we went in and did it there. It made changes to policymakers.

**Ms HAMANN:** But it is not ongoing.

**Aunty LORRAINE PEETERS:** It is not ongoing.

**CHAIR:** That is why I asked the question earlier about the recordkeeping—about knowing and seeing correlations. We hear about the child removals and the incarceration but there is not an understanding of whether that is the behaviour of people who experience that trauma. We are not seeing why or how we can try to resolve and break the cycle. If you are able to provide a record of who you have worked with in terms of government agencies, that would be helpful.

**Ms HAMANN:** Okay.

**CHAIR:** Thank you.

**The Hon. SHAOQUETT MOSELMANE:** Aunty Lorraine, you mentioned that universities do not teach the history of the stolen generation and the sufferings of the Indigenous people. Why do you think that is so and what can be done to change that?

**Aunty LORRAINE PEETERS:** It is probably not just the stolen generation but trauma itself that is not widely known in this country. I do not know why.

**CHAIR:** Do you know about Southern Cross University and their unit?

**Aunty LORRAINE PEETERS:** I do not know how deep they go into trauma. Trauma is trauma, but when you go into stolen generation trauma it is about going really deep into the issues. It is very complex. It is not just like one death in the family or an accident or something like that. This is over years of abuse, years of loss and years of grief.

**Ms HAMANN:** There are layers and layers and layers.

**Aunty LORRAINE PEETERS:** Layers stacked on top of layers—it is massive. Not many people know about this sort of trauma. If we are not careful and it is not nipped in the bud, the kids in refugee camps are going to walk away with the same stuff. Because as long as they are in those camps their identities are being changed—their way of life and culture are being changed.

**The Hon. SHAOQUETT MOSELMANE:** People do understand to some extent the sufferings of refugees, so that is a good correlation to make.

**Aunty LORRAINE PEETERS:** Yes. But for the individual, that little child growing up is not being taught where it really belongs and its true identity.

**CHAIR:** Thank you so much for coming.

**Aunty LORRAINE PEETERS:** Thank you for listening to us.

**CHAIR:** If you walk away from here and think of anything you would like to have told us, please send us the information, pick up the phone or send an email. That would be great. Congratulations for the really amazing work that you do.

**(The witnesses withdrew)**

**(Short adjournment)**

**ELIZABETH RICE**, Principal Consultant, Rice Consulting, and

**JOHN RULE**, Conjoint Associate Lecturer, School of Public Health and Community Medicine, Faculty of Medicine, University of New South Wales, affirmed and examined:

**CHAIR:** Would you like to make an opening statement?

**Ms RICE:** Yes, thank you. First of all, we would like to acknowledge the traditional owners of the land on which we are meeting, the Gadigal people of the Eora nation, and thank them for their custodianship of country. We pay our respects to their elders past and present and we also pay our respects to the Aboriginal people and elders here today. Thank you for inviting us to give evidence. I will make a brief opening statement dealing with two issues and then Dr Rule would like to follow on with some other issues.

The two issues I would like to highlight are urgency and self-determination. On urgency, I have now read all the transcripts of the hearings and many of the submissions and everything in them and the evidence given by Aunty Lorraine this morning reinforces what I have learned from working alongside Aboriginal people over the last 20 years or so on New South Wales government projects such as Learning from the Past and repayment of stolen wages, community advocacy and as a contractor for a time to Link Up (NSW). I can refer to individual issues later if the Committee wishes. The main message I would like to echo from those who have already appeared before you is the one to Australian governments and their agencies and it amounts to: You know enough now and have for many years. You need to act and to act very quickly.

I turn to self-determination. In our submission we stated that term of reference 1 (b) on potential legislation and policies and term of reference 2 (b) on guarantees against repetition are inextricably linked. That link is the critical one of self-determination and that is also relevant to other terms of reference including 2 (d), measures of rehabilitation, on which much evidence has already been given. Self-determination is critical both to healing and to the effort to turn around the extraordinarily high rate of overrepresentation of Aboriginal children and young people in the child protection, out-of-home care and juvenile detention systems. The reason self-determination is so critical for both of these is that it is difficult to heal when the system of governance through which the injuries were inflicted on you is still essentially in place and is continuing to injure your descendants.

The heart of the matter is that the people who governed hundreds of nations across Australia for 40,000 years upwards have no formal role as first peoples in the governance of modern Australia. The "Bringing them home" [BTH] report in recommendations 43a to 53b provides the framework for restoring self-determination in relation to the wellbeing of Aboriginal children and young people. As well, a number of Aboriginal Australians, some very recently, have developed well-constructed frameworks for embedding self-determination in Australian governance as a whole. I believe that term of reference 1 (c), any other related matter, offers the inquiry Committee an unprecedented opportunity to report on reparations to the Stolen Generations in New South Wales in ways that respond to the self-determination framework proposed in BTH and also draw on Aboriginal models of self-determination to address the outstanding reparations issues, including adequately funded measures of rehabilitation. Thank you for hearing me.

**Dr RULE:** Carrying on from Ms Rice, thank you for the opportunity to provide information to the inquiry. Like Ms Rice, I have also read the earlier transcripts and submissions. Running themes are that this inquiry is timely, although I think it is fair to add, long overdue. Related directly to the terms of reference for this inquiry, the recommendations in the "Bringing them home" report are still relevant. The ongoing relevance of all those recommendations was also noted in the Social Justice and Native Title report in 2015 prepared by Mick Gooda as the Aboriginal and Torres Strait Islander Social Justice Commissioner. We know that progress has been inadequate but perhaps some things can be done immediately and in New South Wales quick resolution and responses to those issues constantly brought to the table by the community elderly and those who are dying. These testimonies have been long heard and through fast and quick resource allocation decision these should be addressed.

Responding to complex emotional and psychological injuries that now exist across generations is also a priority. Stories that are still present and continue to emerge about loss of identity and cultural isolation and ongoing removal of Aboriginal children also need attention. We see that some responses can be made immediately perhaps. Some will require service response and adaptation. Others clearly require medium-term

policy and planning processes and some require real investment in long-term and deep consultation process with communities.

I would like to say, based on my experience as a researcher working with the National Sorry Day Committee to produce the "Bringing them home: scorecard report 2015", that there is so much work already going on in response to the above and examples of that in New South Wales are also evident to date. One that has had some prominence is the Opportunity, Choice, Healing, Responsibility, Empowerment [OCHRE] program, which is a jurisdictional response and quite an impressive one. I spent a good deal of 2013 to 2014 gathering information about what was going on at a community level response to the "Bringing them home" report and there is amazing local work going on all around the country. What I see also within the OCHRE research project is that there is to be a scan of New South Wales Aboriginal policy. This is important to produce, and soon, to have a knowledge base from which to build things. I also see that OCHRE has an approach to evaluation, community input and public reporting located centrally within that process and that some evaluation projects are underway in New South Wales. It is really quite exciting to know that some information base is being developed.

Two points to finish my introduction, which are perhaps questions to explore. I base this on my own experience working to compile the "Bringing them home" scorecard report for 2015. First, can we ensure that there is a coordination point and an assessment of progress in which those directly affected—that is the Stolen Generations—play a central part in managing that assessment and deciding the framework by which the progress will be noted or not. In fact I am raising the issue of support for a community coordination point, which is not just a Government audit process or further research, although those are important. The central community coordination point that I have raised is something to think about.

Secondly, where will be the centralised place for tracking outcomes and how can it be ensured that the knowledge holders located in the communities are the ones who have access to those outcomes for their scrutiny and decision-making? I know Bob Carr, in his address, talked about literacy outcomes, prison rates and other health indicators. I am raising this question that if that information is gathered, how can a process be set up, or a centralised place be established where that information is gathered that it does not just stay in that place and is actually circulated amongst what I say are the knowledge holders located in the communities? I know it is not my job to ask the questions, so I will finish at this point. Thank you for the opportunity to be part of this important process.

**Reverend the Hon. FRED NILE:** You make a strong point in your submission that there should be negotiation, not just consultation. What is the difference and how do we implement negotiation, that they are treated as equal partners in the program?

**Ms RICE:** It is basically up to the Stolen Generations and the Aboriginal people to tell you what they mean by negotiation, but what we are getting at is that consultation is a term that has become so devalued that people now need to put "genuine" or "deep" in front of it. Negotiation does imply, yes, equal partners, and that you have an equal say in the decision-making. As I say, OCHRE is a good first step towards that. There is a model of self-determination developed by Tony McAvoy, a Queensland man who has worked a long while in New South Wales, who is a barrister and is now the first Australian Aboriginal Senior Counsel. He also has a background in bureaucracy. He worked for the Department of Aboriginal Affairs for some time. Mick Gooda, at least in the 2014 report, refers to the process that Tony has initiated, which refers to an assembly of nations and a treaty, the idea being you need some formal body before you go down the path of treaty. It is not in competition with, for example, National Congress. It is to complement National Congress. National Congress's participation in that process I gather has been hampered by a loss of its funding.

There are other models. Megan Davis in a recent article in the *Monthly*—which is how I came to know about Tony McAvoy's model—talks about Marion Scrymgour's model about Empowered Communities and of course the Noel Pearson *Quarterly Essay*. I think there is a lot of wisdom out there amongst the Stolen Generations and in the broader Aboriginal community as to what negotiation would mean to them before we do have, for example, the tripartite arrangement that Tony McAvoy suggests of what amounts to COAG plus an Indigenous body. We can at least try to make decisions in the spirit of what they tell us.

**Dr RULE:** We emphasise the idea of negotiation in addition to consultation because negotiation process implies that there is some organisation of people to begin with. I think that that is important, that it cannot just be a continual mode of consultation at a point when things have to be seriously discussed.

**Reverend the Hon. FRED NILE:** The challenge is to find who the leaders of the stolen generation are or for the stolen generation to elect representative leaders who could be involved in the negotiation?

**Ms RICE:** The National Stolen Generations Alliance, so far as I know, still exists. That sort of data is a problem. When the Stolen Generations Working Partnership—the Federal initiative—was still operating, one of the questions we wanted to know was where are the services for the Stolen Generations and the bureaucracies. I was part of the bureaucracy once. The bureaucracy's response was, "It is on the website." What is on the website are funded services. There are all sorts of local initiatives, as I have picked up from the hearings you have had, that may not appear anywhere. They may be totally voluntary; they may have a local funding source. Even that sort of data is not available let alone Stolen Generations and where they are and who their leaders are. There are so many trust issues around establishing all of that too. On the one hand you want data; on the other hand you know that there are still people who have never disclosed. We will not know them because it is still too difficult for some.

**Dr RULE:** The Stolen Generations Working Partnership at a national level was resourced to encourage that discussion between Government bureaucracies and departments and service deliverers and stolen generation members, so some mechanism for that to happen is clearly necessary. I am not able to answer that question then of who participates in that.

**Ms RICE:** Again, we will not—we cannot—speak for the Stolen Generations or for Aboriginal people. You have had lots and lots of answers from them. Basically we would just back whatever their view was.

**The Hon. BEN FRANKLIN:** That having been said, you have provided a fairly depressing analysis.

**Ms RICE:** In my opening statement or in the report?

**The Hon. BEN FRANKLIN:** In your submission, and rightly so, particularly of the unimplemented "Bringing them home" recommendations, with a very helpful spreadsheet for us with "pass/fail", which is great, because it clearly shows us, with clarity in an objective way, from where the problems have come. On page 29 of your submission under the main concerns that the National Sorry Day Committee hears in relation to the matters there are a dozen or so dot points which, again, are very sombre reading. I would like to pick up on a couple of things. The first is you refer to a number of perceived failings from a Federal perspective, which are utterly reasonable. I am sure that the Federal Government will read clearly and in depth the hearings and the findings of this Committee.

**Ms RICE:** I would hope so.

**The Hon. BEN FRANKLIN:** I would hope so as well. This is obviously a State Committee and we have direct legislative power at a State level. My first question is what do you believe are the most important State priorities from the unimplemented recommendations that we should be focusing on first and foremost in terms of what can be done at a concrete level?

**Dr RULE:** There are so many, as you say. When we went through and used the past/fail or the Likert scale, I am glad that it worked because it was intended to show starkly what was working and what was not. I sat here listening to Aunty Lorraine Peters talk earlier. She said, "To heal we have to feel." So let us start with those kinds of ideas. At another level the development of a workforce which will be sustaining a range of interventions would be an important step along the way.

**The Hon. BEN FRANKLIN:** A dedicated workforce?

**Dr RULE:** Yes, that is right. Along with that the other question I heard asked is why, at a general community level, the history is not understood. In a newspaper article on the weekend someone was writing about the problem of Indigenous affairs and he noted that in schools and universities people are taught a lot about overseas aid programs, but we are not reflecting back on what is going on here. I have just pulled two things out of the air—not out of the air but out of the work that is in front of us that I could see as priorities. They are two that I have picked out, but there is such a range of matters to be dealt with.

**The Hon. BEN FRANKLIN:** I am not in any way suggesting that we should not deal with the others; merely I am asking if there are specifics you would like to highlight.

**Dr RULE:** Well they are within the kind of remit. I mean development of a trauma-informed workforce is a possibility. That is a possibility through education, department activities; it is a possibility through training of the healthcare workforce at all levels. So some of those things, while I appreciate the comment that the report is hard to read because there is a lot of negative information, on the plus side there are many possible things and perhaps now is a chance to do that. The OCHRE program within New South Wales seems to be providing a really good opportunity to bring that information together, along with events like the one that was held last year. I think it was convened at the University of New South Wales but it was across a whole range of players in this field as an opportunity to look at what is going on in New South Wales right now and what are the programs that are working. So it can only think more of that kind of thing.

**Ms RICE:** Just to add to that, in the report in the recommendations we have stressed that there is a bundle of them mainly relating to service provision that could be implemented immediately without waiting on broader—

**The Hon. BEN FRANKLIN:** Policy frameworks.

**Ms RICE:** —progress, I suppose, in matters of self-determination. But in terms of immediate specifics there have been a number of initiatives suggested by stolen generation survivors or organisations that work with them and I am conscious that in a couple of months the Treasurer will be asking New South Wales government agencies about their unexpended funds—it used to be called slippage but we were not allowed to call it that after a while. That is a wonderful opportunity and, of course, it might take a directive from the Premier to the Treasurer, but there will be money there that could, for example, fund part of what Coota Girls has asked for, part of what Kinchela Boys Corporation has asked for; it could be used to fund some of those North Coast organisations who are saying, "Look, we fall between two bigger cities and there is no service here"; it could be used for some outreach.

It would be one-off money but at least it is a signal from the Government that we are taking this issue seriously, we can fund these specific things and we will continue to talk to you about how we can implement those things that take a little more time to resolve. They could be used, for example, for Marumali workshops, and I have to say that when I worked for Link-Up—and a lot of it was writing funding submissions—Link-Up then had funding for one worker for all the prisoners of New South Wales to work with stolen generation survivors. On one occasion I remember putting in for additional funding for one of those workshops and I was very interested that Victoria is doing that to a great degree. We did not ever get that funding at that stage. But there are a lot of one-off things; there could be more healing camps, there could be a weekend workshop—one-off things that could be done with that unexpended funds money.

**The Hon. SARAH MITCHELL:** I am conscious of the time but could I just ask one quick question, and I guess it covers a few of the things you have spoken about already. In relation to raising awareness in the community and particularly within certain government organisations, I had a discussion with a really lovely lady who works in Tamworth at the Cancer Centre. She is Aboriginal and she said she is sort of the sounding board for her family members who come to health care. She said her family has been directly affected—her mother was taken—and she said that even now her nieces and nephews when they go to take their child to emergency they get asked the questions which everyone gets asked when they walk in the door, but because they are so used to the family stories about when their great-grandmother was taken away and that fear of government departments and bureaucracy, that is really ingrained in their family—and I am sure that is not unique to them.

She said even just what she does as a staff member but to try and get others aware of the way that you ask questions or the way that you say, "This is really normal, we ask this of everybody. We are not focusing on you because you are Aboriginal", the cultural awareness is not there. As Ben said, trying to think about we can do, there is a range of issues that we are going to need to consider as a committee and a lot of them are very complicated and complex, and we appreciate that, but on a day-to-day basis I really think there is scope for us to try and look at what we can do in terms of those sensitivities in departments. Is that something that you would agree with?

**Dr RULE:** Yes. In fact, reading the transcripts from Dr Kerry Chant, she talked a lot about what was possible through the Department of Health programs at the moment, and the HETI program—the Health, Education and Training Initiatives—which has a unit of study already, which, if applied broadly, might help to do more of what you are saying, has worked.

**CHAIR:** We are talking here about a whole-of-government approach.

**The Hon. SARAH MITCHELL:** And I think a lot of it is not people wanting to be disrespectful, I just think they do not understand, and that stems back from what we talked about earlier in terms of educating people about this part of our history.

**Ms RICE:** And even if you think you do understand, which is pretty dangerous because you keep learning—the more you learn the more you know you don't know—there are things I have known about, but reading in the transcripts the personal testimony of people and how it affects them, suddenly you think, "Oh, right. I knew that was an issue but I did not understand all those smaller things that make it into an issue", and the lack of trust is one of the things I have really learnt from the people at Link-Up that that mistrust is widespread. People grew up with stories of the children having to run and hide because the welfare was there and cultural sensitivity is only part of that but it is very important.

The reason we attached the National Sorry Day Committee's submission to the process for the renewal of the National Aboriginal and Torres Strait Islanders Social and Emotional Wellbeing Framework is because NSDC as a Stolen Generations organisation wanted to highlight the fact that even if you do have a degree of Aboriginal cultural awareness, that is not sufficient for when you are working with stolen generation survivors; there are specific issues for them and we tried to highlight what we could. The interesting thing I found when I was putting together that submission is when I tried to change any language from, say, "they say you have just got to suck it up to submission speak", it just lost its truth, it lost its authenticity. That is why you will find, with their permission, direct quotes from people.

**The Hon. SHAOQUETT MOSELMANE:** Ms Rice, you mentioned matters of self-determination. Can you explain a little bit about this self-determination concept and what are those matters? I know in your submission that you relate to the wellbeing of children but what do those matters include?

**Ms RICE:** I have been researching 20 years of COAG policy decisions on Indigenous affairs. It has always struck me that while COAG has these days even the Local Government and Shires Association as part of it and occasionally New Zealand will participate as an observer, we have no First Nations representation. It may be that Aboriginal people would not want to be co-opted into that process, so I am not saying whether or not they should be there, but it really struck me, and after considering the narrative that emerged from all these decisions and pondering I finally realised that the problem is fundamental: it is basic, there are no formal stats.

Aboriginal nations were polities. Megan Davies makes this point very well in her article. Those polities had their own internal governance; they had arrangements across nations—in effect, our diplomacy. They now have no formal role as First Peoples so that they are participating in the decision-making. We have some Aboriginal members of Parliament but they are not there as representatives of First Nations. We have, of course, the difficulty of how do you represent so many nations in our modern system, and that is the sort of issue that people like Tony McAvoy have been addressing and it is consistent with the BTH recommendations on self-determination. I think the report itself says, "We do not go into detail because it is going to be different in different places across the country. Here is the general framework and from that you can develop a framework that applies in the States", and even that framework has to take account of local communities.

I notice the guiding principles of FAC's agreeing with Grandmothers Against Removal [GMAR] are incorporating some of that. I would not speak for whether I think how well that accords with the BTH recommendations. I am sure there will be Aboriginal people and groups that would be happy to do that, but it is essentially being part of the decision-making and we are trying at State level to incorporate as much self-determination as is possible, but there is a lack of an overarching framework for the nation where it is recognised that this is the only just way to proceed.

**CHAIR:** We are getting close to time and I invite you to provide extra evidence when you walk away from here and re-read the transcript. Our time is limited and our next witness is here.

**Dr RULE:** Perhaps quickly on the issue of self-determination, the report by Mick Gooda in 2015 spelt out quite a number of good principles. We would be happy to go back and bring them out and resubmit that information to the Committee. Also the Link-Up submission to the inquiry has a great section on the self-determination concept. I think its recommendation too is around that.

**Ms RICE:** We are happy to collate all the research reading we have done on that.

**CHAIR:** The Committee has more time I was just tightening it up.

**The Hon. COURTNEY HOUSSOS:** Thank you for your very comprehensive submission that was really informative for us. I have two questions for you to which you alluded in both your submission and your comments to day which is that this is a national problem. One of my colleagues also alluded to this matter. What is your opinion on the approach of the State Government specifically around reparation schemes? Late last year we saw the South Australian Government adopted a reparation scheme. Without going into the details of that it is more about the principles of what we should be seeking to achieve at a State level. Are there things that we—I do not like to say the word—should be "leaving" to the Federal Government? What should we address in our reparation?

**Ms RICE:** Be guided by the submissions and evidence you have been given by the Stolen Generations members is all we can really say. The only other comment I would make is that the New South Wales process at the moment seems to be in response to individual legal claims, or potential statements of claims that were not lodged, and that involves two groups. There are many, many other Stolen Generations survivors who were either in foster care or adopted, and that has already come out in the evidence you have heard. It makes you very humble reading all the transcripts, and is confronting because there is a depth of knowledge in the community that has been there for a long while and still nothing has happened.

**Dr RULE:** Mick Gooda again and other people have said what was referred to earlier as the "bible" or the blueprint, the "Bringing them home" report nearly 20 years later is still the best there is. Looking at those headings under reparations and working through those systematically is the best guideline there is at the moment.

**Ms RICE:** The Public Interest Advocacy Centre [PIAC] I am sure you will ask the same question of and they are more experienced than we are.

**Dr RULE:** On that question of the gap that has occurred perhaps between the Commonwealth Government response and what is going on at a State level, the work that we did that is two years old now, we did this review while activities in Aboriginal Affairs has centralised in the Office of the Prime Minister and Cabinet and so that effectively did not allow other parts of the Government to provide information to the Stolen Generations working partnership as used to happen in previous years. I am saying we gathered this information at a particular point in history, if you like, and at that particular point there was a serious lack of policy initiative in a number of government departments at a Commonwealth level. The funding that was withdrawn at a Federal level, of course, has had implications at a State level because that has taken away a lot of the infrastructure. I do not know the answer, except that it is quite clear that that has happened.

**The Hon. COURTNEY HOUSSOS:** Are you familiar with the testimony to the Committee about the views of the Aboriginal placement principle in New South Wales?

**Ms RICE:** Yes.

**The Hon. COURTNEY HOUSSOS:** What are your thoughts, particularly given what you have said in your opening statement, on the way that it is used at the moment? Do you think we can make improvements to it?

**Ms RICE:** First of all, I would go back to the statement at that 10 years on conference that HREOC and others sponsored. I have forgotten the name of the person but she provided expert advice to BTH. She said while the principles have been implemented in all States and Territories they actually do not provide a pathway to Indigenous control of a child protection system but are placed within the mainstream. That is still true. The second thing is that the Aboriginal child placement principles in effect have a let-out clause. It is not mandatory. There are no penalties if it is not observed.

One Aboriginal woman I know working in the area said that case workers can vary from someone who rings up and says "Do you know anyone who could take this child?" "No", good—they tick the box and move on—to people who will keep going and keep going until they secure an appropriate placement. The other thing that has been raised in the testimonies—I think AbSec raised it particularly—was there is a lack of transparency about the process of trying to place a child. While the percentages may seem higher than some other States there is no transparency about that.

**The Hon. BEN FRANKLIN:** You also note that legal support is important in this issue?

**Dr RULE:** Yes. The submission by the Women's Legal Services New South Wales really addresses a lot of those questions. The submission from Legal Aid New South Wales also touches upon what you are saying about the support that is directly available.

**CHAIR:** You have referred to the work you have done going through to compile this report. Have you done an audit of the New South Wales Government response to "Bringing them home"?

**Ms RICE:** At the time, no I do not think we have. I saw a reference to that in the transcripts yet the website says there have been no Government responses received yet. I was not sure whether that was one specific to the inquiry or back to the original one.

**CHAIR:** This is the original one and in part why I am keen that we have a good process because the follow-up has been the issue. Some great ideas that never got followed up and the change in government structures that meant you lost coordinating Premiers, whole-of-government coordinating group that was meant to report annually.

**Ms RICE:** And I can say that mirrors the broader problem because it was meant to be managed through COAG with support for Indigenous bodies assisting HREOC et cetera. It has not even had the attention that Aboriginal deaths in custody got which I think was reported on for at least about 10 years. That is why it was so difficult to write the report and why we have made disclaimers here and there because there has been no formal government process.

**CHAIR:** Am I right in saying that it is an over-view and a general principle there has been a lack of governance in terms of a commitment to follow through on the findings of—you have referred to multiple reports but in this inquiry we are referring to "Bringing them home"?

**Ms RICE:** That is what the omission seems to indicate.

**CHAIR:** In reference to your recommendation 11, it is that monitoring, evaluation and review framework and that seems to be the principle so that it does inform a budget cycle—you have brought up the budget cycle. Is a lot of the failing to deliver outcomes a governance issue?

**Ms RICE:** Yes and looking at the COAG decisions I have looked at there are so many areas where there has been no formal follow-up. During the Rudd years it was more highly articulated but whether there was a flow-on. I mean so many of the things you have heard like funding cycles, different reporting requirements, having to meet boxes that do not fit, all that is true. It reminds me that I had meant to mention a paper given by Peter Yu from the Kimberly at a conference that analysed the 2008 NATSISS—National Aboriginal Torres Strait Islander Social Survey. It is a paper called "The Power of Data in Aboriginal Hands", and it is well worth reading. I will pass that on too. At that stage I think people in the Kimberley were starting to develop their own data collection system, everything from developing the questions, to the collection, to the analysis, monitoring, implementation and then reviewing the results.

**CHAIR:** Just a clarification, Dr Rule, you mentioned a recent work from someone that has worked in communities. Are you referring to Mark Moran's *Serious Whitefella Stuff*?

**Dr RULE:** Yes, that was written about on the weekend. On that recommendation 11, I am glad you have focused on that because in some way—

**CHAIR:** That is doable. You made that point previously, these are things that are immediately doable to get your house in order and have some good reporting?

**Ms RICE:** Yes.

**Dr RULE:** Yes.

**CHAIR:** You might have heard me ask the previous question about the need to inquire from Aboriginal people who engage with government agencies whether or not they are in any way part of the stolen

generation and effected by family or community. Have you found any evidence of collation and consideration of that for outcomes? Do you have a professional opinion about it?

**Ms RICE:** There is a tension between data and privacy. Again I was interested to hear Auntie Lorraine say that she thinks it is a question that should be asked. People need to be able to say I do not want to engage with that. At one stage in New South Wales—I do not know if it is the same in Victoria, and there were Link-Up people here earlier, they can correct me if I am wrong—we did not know the numbers of Stolen Generations or the descendants in prison. The National Sorry Day Committee raised that through the working partnership and it was one of those too difficult interjurisdictional issues. We wanted to keep working on it but the partnership is now defunct.

**Dr RULE:** It is a question that cannot be answered by desk based research. The information we have provided is the result of a long time of gathering information from peak bodies, also attending conferences where the social and emotional wellbeing workforce were meeting and talking about the things that were concerning them. If there is anything to follow up I wonder whether it is possible to follow up the report that was done in New South Wales. I think the Aboriginal Health and Medical Research Council pulled together some information from the social and emotional wellbeing workforce gathering that they had in Coffs Harbour two years ago and then there was a national conference of workers who are working in this area in Brisbane and that was convened by the Prime Minister and Cabinet; they helped that to happen. There are two lots of information that need to be looked at again for what those workers are saying in response to that question that you have asked, that it is not a matter of just being able to—

**Ms RICE:** Dr Rule has a lot of background information that was part of the report but we had to slim it down. If he is happy to provide it to you in its raw form and you want to receive it.

**CHAIR:** You have read the transcripts and heard the questions and understand what the Committee is trying to achieve. If you have further information that would be appreciated. One question going to the COAG issue: you are well read and understand some of the jurisdictional issues, do you think the lack of recognition in our constitution means there is that failing of engagement, recognition and involvement in determination processes, or is there some other broader thing, or it seems if you are not recognised you are not at the table; is that a fair assumption?

**Ms RICE:** I can only say that Professor Megan Davis, head of the Indigenous Law Centre at the University of New South Wales, the title of her article was *Gesture Politics*, and it was engaging with that issue around recognition. You have heard a number of stolen generation survivors talk about the apology, how we had the apology and nothing happened. I gather the Aboriginal communities are divided about recognition. I would like to see recognition in the constitution, but recognition alone is not enough, we have to work through towards self-determination and a sharing of governance in this nation. People balk at the idea and say things like, how can you have a nation within a nation? There are all sorts of legal fictions we employ, including the excision of Christmas Island from Australia, and yet we know it is part of Australia. There are legal ways that you can do things which in practice means it works, it is just conceptually different.

**CHAIR:** You brought up the idea of the Council of Australian Governments model and how everyone is there except for—

**Ms RICE:** The McAvoy model is based on a United Nations model, which COAG in many ways replicates.

**The Hon. SHAOQUETT MOSELMANE:** Recognition in the constitution is a legal fiction?

**Ms RICE:** I am cautious about using the words "legal fiction". I have to check with legal friends as to whether it is, in fact, a pejorative term. There are things we do theoretically to legitimise what we do in practice and they do not seem to cause a problem—that is what I was getting at. To me recognition is important but there are different views within the Aboriginal community.

**CHAIR:** Thank you for coming along. Your input to this inquiry has been important. You have heard there are continuing opportunities and we appreciate the work you have done.

**Ms RICE:** We appreciate being invited. I commend the Committee for the open and respectful way in which it has been conducted, from what I have gathered from the transcripts and being here today.

**(The witnesses withdrew)**

**RICHARD WESTON**, Chief Executive Officer, Healing Foundation, sworn and examined:

**CHAIR:** Do you have an opening statement?

**Mr WESTON:** I would like to start by acknowledging the traditional owners of the land, the Gadigal people of the land on which we sit today and pay my respects to their ancestors past and present and acknowledge members of the Stolen Generations as well. I thank the Committee for the opportunity to speak to you this morning on behalf of the Healing Foundation. The Healing Foundation is a Commonwealth-funded non-government organisation [NGO]. We were established in late 2009, 20 months after the national apology. Our role is to help Aboriginal and Torres Strait Islander people heal from the traumatic impact of past Government policy and practice.

There are three elements to the way we do our work. The first element is through funding and supporting the development of Aboriginal healing projects in local communities. These are programs and projects that are led, designed, developed and delivered by local Aboriginal and Torres Strait Islander people. The second part of our work is building an evidence base that comes from the work we have done to date. We evaluate that work and we aim to gather the learning from that and we tap into national and international research, of which there are considerable amounts, particularly in other jurisdictions where first nation people have experienced colonisation. Our goal is to build an evidence and knowledge base about what works well for healing in Australia for Aboriginal and Torres Strait Islander people. The third element to our work is supporting communities to develop the capability and leadership to respond to trauma that impacts on communities and we do that through training and education projects.

I understand that members will ask questions. I will start by saying how significant the Committee's work is not only for New South Wales. Coming here in the taxi I was thinking about its significance. We are 228 years down the track and the first settlement started just down the road. Whatever the New South Wales Government ultimately does, it will have a big impact on this State because it is the first State. However, it will also have an impact nationally. I am sure that other jurisdictions will be looking at what New South Wales does. Aboriginal and Torres Strait Islander people in New South Wales and around the country will be looking at the response that comes out of this Committee's deliberations. I listened briefly to the previous witnesses. If the Committee is looking at recommendation No. 3 in the "Bringing them home" report, there must be a holistic response that includes all the elements of acknowledgement, apology, restitution and healing. That is the rehabilitation part, and I will focus on that a little today and monetary compensation. I wanted to make that point. It is a privilege to be here. Thank you.

**CHAIR:** Thank you.

**Reverend the Hon. FRED NILE:** Your Healing Foundation is focusing not only on the Stolen Generations.

**Mr WESTON:** No.

**Reverend the Hon. FRED NILE:** You are dealing with dispossession and other issues.

**Mr WESTON:** We have done work with children and young people as well as work specifically targeting men and women. We have worked across a range of groups, but the Stolen Generations are a key part of our work given that the apology had an emphasis on their experience. The impact on the Stolen Generations has been transgenerational. It is not confined to the people directly affected by the policy; the trauma has been passed on to families and communities. Healing is an important and compelling issue for Aboriginal people. The New South Wales Government's OCHRE plan includes healing as one of its key planks. That came about through community consultation. New South Wales is first jurisdiction in Australia that has put healing in that position, and the Healing Foundation would like to see more of that.

**Reverend the Hon. FRED NILE:** In the Committee's hearings so far we have heard Stolen Generations witnesses talk about healing centres where they can get together to share and to help each other.

**Mr WESTON:** Yes.

**Reverend the Hon. FRED NILE:** Are you developing those healing centres as well?

**Mr WESTON:** The Healing Foundation has provided funding to a number of healing centres around the country. One of them is in Sydney and involves the Kinchela boys. One of the principles that we have learnt from Stolen Generations over the past five years is the power of collective healing. That is a slightly different approach from the normal response we see in the mainstream, which is to put people in front of a psychologist or a counsellor. I have a report that is a summary of an initiative that the Healing Foundation has run for the past three years called "Sharing Our Stories". It is based on 31 healing projects that we have funded around the country involving more than 3,600 members of the Stolen Generations. It includes a great analysis of collective healing and different ways of supporting people to work through trauma. I will table that report.

**Document tabled.**

**Reverend the Hon. FRED NILE:** It is about collective healing.

**Mr WESTON:** We call it collective healing.

**Reverend the Hon. FRED NILE:** But it is really about Aboriginal culture.

**Mr WESTON:** It is. It works particularly for Aboriginal people who have been through institutions. Having been taken away as young children they are disconnected from their families and communities; their families and communities are the children they have grown up with in those institutions. They consistently tell us and others that they find great comfort and healing through coming together to share their stories. They have a shared experience. Organisations that are set up to work with Stolen Generations in that healing environment can help create different models and approaches that facilitate healing and help people to overcome trauma.

**The Hon. SHAOQUETT MOSELMANE:** One of the "Bringing them home" recommendations was that we should avoid repetition.

**Mr WESTON:** Yes.

**The Hon. SHAOQUETT MOSELMANE:** There are claims that Aboriginal children are being removed from their families at excessive levels now and that they represent another stolen generation. What is your response? Do you provide support to families who are having their children removed?

**Mr WESTON:** The removal of Aboriginal and Torres Strait Islander children is increasing. It is true that the number of children going into care is increasing and that Aboriginal children are over-represented in that system. I baulk at calling it another stolen generation, although I know that other people do not. The circumstances are different. What we can predict based on what we know about the impact on Stolen Generations—children removed from their families, culture and communities—is that it will have the same impact on children going into care today. If we do not have a system that works to keep children in their family unit—acknowledging that some children must be removed; we must protect children—we must do all we can to avoid it. Not enough is done to support to families so that kids can stay with their families and parents can get support if they are dealing with addictions or other issues. The evidence proves that kids do better if they grow up in their families. So we need a system that is less punitive and more supportive.

We have done some work with an independent Aboriginal and Torres Strait Islander school in Queensland. It is called the Murri School and it is based in Brisbane. About 40 per cent of the children there are in contact with the child protection system. We have supported the school to develop a healing program that takes children out on country. It has a small Aboriginal family worker team that started working with the children. However, as the kids went back to their homes the parents were curious about the changes in them. Kids were a little happier and wanted to engage more with their own education. Families have started to become involved and to engage. We have seen vulnerable and at-risk families in touch with the child protection system forming their own support networks and starting to change their behaviours, particularly around their children.

Part of the program is to educate families about the impact of trauma—what it looks like and what effect it has. It is leading to adults making different decisions about how they behave in front of their children. We have seen improvements in education outcomes because kids are out on country learning about their culture and engaging in activities with elders. Teachers are part that of the program and they see children in another light. They are seeing problematic kids suddenly change and that is changing their attitudes to the kids. It is having a positive impact.

A similar program has been picked up in schools at Brewarrina and Bourke. We started that last year and it is really starting to come online. It involves children getting into yarning circles and starting to share their stories and experiences, be supported to seek help when they need it, enable the school to understand what is going on for those kids, how trauma plays out for them and be able to have strategies to allow kids to take time out and cool down without having to remove the kid from the system completely. I guess the guts of the work is around understanding trauma and its impacts and putting in supportive mechanisms that engage the families and use Aboriginal people to deliver that work.

**The Hon. NATASHA MACLAREN-JONES:** Can you provide to the Committee a list of the New South Wales-based schools where you having been doing some of this project work?

**Mr WESTON:** Those are the two schools in New South Wales: Bourke and Brewarrina. There are three schools in Australia and 60 per cent of them are in New South Wales.

**CHAIR:** Did you approach the Department of Education or did they approach you?

**Mr WESTON:** They approached us.

**CHAIR:** Are they fully funding it?

**Mr WESTON:** It is funny, the funding actually comes from the local Medicare network—the Primary Health Networks.

**CHAIR:** The names keep changing; we are all confused.

**Mr WESTON:** They have. It is the previous iteration to what that one was.

**The Hon. SARAH MITCHELL:** Medicare Local.

**Mr WESTON:** Yes, they funded it. We were approached by the Medical Local and they worked with the schools.

**CHAIR:** Is that because they had to deal with some of the consequences? Did they recognise the trauma-related issues?

**Mr WESTON:** Yes, I think they did. I mean they were working with other Medical Locals so they were putting money into community development work. They learnt about the work—we have been publishing work from the Brisbane experience.

**CHAIR:** A great website.

**Mr WESTON:** Thank you. They approached us and they had the money so we were happy to support that. They have got a link now with the Murri School at Brisbane. There is a psychologist who comes down and provides training and support to the school and the staff. It is working well.

**The Hon. COURTNEY HOUSSOS:** You said you are delighted to be here but let me echo that the Committee is really delighted to have you here. Many of the submissions to the Committee and many of the participants to this inquiry have spoken about the excellent work of the Healing Foundation and how the seed funding they have received has been crucial to them getting up and running, in particular at Grafton. Congratulations on your excellent work.

**Mr WESTON:** Thank you.

**The Hon. COURTNEY HOUSSOS:** I heard you talk on the radio this morning. Thank you for raising awareness about this inquiry. You talked about the recently introduced South Australian scheme and some of the issues with it. Are there any lessons that we as a Committee can take from that?

**Mr WESTON:** I guess the main lesson I have heard people talk about is that people who have passed away have missed out. I do not make a judgement about the quantum amount—if we are talking about compensation—what that looks like or the amount of that. I think that is a matter for government and all of that.

All I would say is that it needs to be seen to have substance but it does not have to go over the top. I think if you are providing a package that is holistic and includes some investment in healing and other elements it will go a long way to what Aboriginal and Torres Strait Islander people would like to see but certainly considering those families who have lost people, Stolen Generation members who have died. I was thinking about this last night actually, it has been 19 years since the BTH report was produced. I just wondered how many people have died in that time waiting for a proper response from governments. Maybe that is something the Committee could think about.

**The Hon. COURTNEY HOUSSOS:** Would you support the idea of partnership between individual reparations in the scheme but also the need for community healing and community-based funding?

**Mr WESTON:** Yes. We would be strongly recommending an investment in collective healing. Reverend Nile raised healing centres. That is a good segue into the report produced on healing centres, which is a cost-benefit analysis by Deloitte Access Economics. We see healing centres as very much about healing. It is a new model that engages people in their own healing. It is about taking responsibility for that and empowering people, but there is an economic argument to support it as well as a health argument or wellbeing argument. I would like to table that report.

**Document tabled**.

**The Hon. COURTNEY HOUSSOS:** Do you see benefit in localised healing centres or in more centralised services?

**Mr WESTON:** I think local and regional is the way to go. If you do it locally and regionally you will be implementing that empowerment and self-determination. Even in our own sectors we have got a range of peak bodies that sit at national and State levels but our communities do not operate that way. We do not have a king or a single leader who we all look to—although some of our people think they are. That is not how it works; we have a collective approach built on relationships. Some people in certain circumstances provide leadership on some issues and in other situations other people lead. If any State can get it right, and can do it well and set an example for the rest of the country, it has to be New South Wales.

You have got a fantastic regional governance model out in Far West New South Wales with the Murdi Paaki Regional Assembly. I worked out there. It is not perfect but it has been around for 10 or 12 years and they have struck agreements with State and Federal governments in that time. There are models emerging—you have a strong State land council that is independently funded and if they can get their act together then you have got some great building blocks.

Even in government I think Maree Walk, who is tied up with FACS or DOCS, has started doing that work around empowering, working with Aboriginal organisations around child protection issues. These are individual, disconnected strategies but there are opportunities for New South Wales to get it right. I think it is a poison chalice saying "get it right" but do better. I think New South Wales is doing quite a bit but it might be a bit disconnected. Language centres is another element of what is going on that provides a healing process for us.

**Reverend the Hon. FRED NILE:** You are giving help to those healing centres and also to new ones. Do you have some expanding financial income from the Government?

**Mr WESTON:** No, but if you can help us with that we would appreciate it. That is why we did seed funding approaches. We thought we could go out there and fund these things but we just do not have the resources to do it. So we worked out a staged approach so that we could fund bits of it, like a feasibility plan and then a business plan. We have done that and the ones that have gone through those processes well we have continued to support and help develop. A number around the country—I am not sure about New South Wales—a couple have drawn in funding from mining companies and other sources. It is a different model from an Aboriginal medical service model—that is very much a Western-based kind of approach. The healing centre approach has Aboriginal culture very much at its centre. It is about building on strength—strength of culture, strength of identity—and it is about people taking responsibility for their healing.

**Reverend the Hon. FRED NILE:** Where is your main source of income from?

**Mr WESTON:** It is from the Commonwealth. We are funded by the Commonwealth. So we put our money into those—

**Reverend the Hon. FRED NILE:** Do they have a graduation system so that you can prove to them that there are now 10 centres, and there will be 50 next year, so they could give you some money to scale up?

**Mr WESTON:** I wish the Commonwealth Government was as sophisticated as that. They just give us the money. They have not done anything to provide enhancements or anything. We mount arguments through our work. So the cost-benefit analysis is something where we say to them, "Look, if a healing centre can stop one or two people from going back into jail then it saves the State half a million dollars—and that could pay for the running of a healing centre for one year." So we are trying to get that thinking going, and others are doing that as well. I guess it is about whether people are willing to accept a risk, try something new, test it out over a number of years and see where we end up.

**The Hon. BEN FRANKLIN:** Do you work with those exhibiting intergenerational trauma as well? What differences are there in the programs that you run for intergenerational victims? What issues do you think we should be focusing on with regard to that specific issue?

**Mr WESTON:** We do. The simple answer is yes. I think intergenerational trauma affects many Aboriginal and Torres Strait Islander people—and our work is showing that with a lot of the social challenges we face in communities with behaviours around alcohol abuse and violence.

**The Hon. BEN FRANKLIN:** This flow chart at figure 1.3 is excellent.

**Mr WESTON:** All of those negative behaviours are linked to trauma, and that trauma gets passed on. We have talked about Stolen Generations who were directly affected but they also pass that trauma on to their families. So we think that by including healing in existing projects, programs and service delivery we can start to overcome and address trauma. We are doing some work with an Aboriginal Medical Service out in the far west of New South Wales and a lady in the Kimberley named June Oscar. You have probably heard of June; she works in Fitzroy Crossing. We are doing some work with her, and within our own organisation, about creating a model for a trauma-informed organisation and a trauma-informed approach to services.

I do not think we necessarily have to create new things—although we certainly think that healing centres are a good model—but we are looking at existing services, whether they are mainstream services or Indigenous-only services, including an understanding of trauma in the way people go about their practice. On intergenerational trauma, the work we are doing in schools we regard as being about breaking the cycle of intergenerational trauma. We are working with a group of men across three communities in the Northern Territory. That work involves men getting on country and sitting down with elders and learning ceremony and dances that have not been performed for a long time and that are coming back into the community.

The impact we have seen from that program is that violence has been reduced by 50 per cent in one community, and that has happened over a couple of years. The men themselves are not reoffending. So their offending behaviour has stopped. Women in the community are reporting that they feel safer. So we have projects that might work with children or men or Stolen Generations but at the heart of all of those projects is connection to culture and strengthening culture. It is about identity—strengthening identity and being proud of who you are. It is about understanding trauma, and understanding that trauma is caused by history—history that we cannot change; it is a fact. Once that happens, people realise, "I am not a bad person; I am just affected by these circumstances." That empowers people. It gives people hope, a sense of purpose and strength. It re-energises people.

One piece of work we funded was some trauma training basically for the local workforce. We found that 60 per cent of the participants, the community members who went through that training, started to access other services. To us, that meant they were starting to take ownership of and action around their own issues. Those were drug and alcohol services, violence services, counselling services and health services. So that is the impact we see of healing. It is not the answer to everything but it supports what is going on. It is complementary.

**The Hon. BEN FRANKLIN:** It can be a gateway.

**Mr WESTON:** Exactly, that is what it is; it is a pathway for people to get agency and control of their lives back. That is what we want. If our people start to take ownership and control then governments and other services do not have to do things for people; we can do it for ourselves. It is going to take time. But what I think

healing does is to give people a nudge towards taking those steps and having hope for the future that they are doing something to actually make tomorrow a bit better. That is what we are finding in our work, and we think it is really quite exciting.

**The Hon. BEN FRANKLIN:** Which is why it is so important that it is now officially part of the State priorities.

**Mr WESTON:** It is a policy. That is how we see it. In our work our goal is to create environments for healing in the community, which is what this work around collective healing for Stolen Generations is about. We also see it in the policy environment as well.

**Reverend the Hon. FRED NILE:** This is an excellent publication. Has a copy of it been sent to the State Treasurer?

**Mr WESTON:** I can certainly get one to her.

**The Hon. SARAH MITCHELL:** Just on that, how widely have you circulated this document?

**Mr WESTON:** I do not know. We have sent it around. We have sent it to government. We sent it to a whole range of Indigenous stakeholders. So we have circulated it and it is available on our website. We have talked about it. Our interest is in healing. But we recognise that we have to face the reality that there is a cost. What that report says is that rather than it being a lost cost it is an investment in an outcome, and ultimately we will not have to spend as much on social programs.

**The Hon. SARAH MITCHELL:** You mentioned prisons but there are also ramifications for health, education and domestic violence. All of that is so important.

**CHAIR:** Opportunity—we have heard a lot in the inquiry about not just some of the more obvious things but opportunities lost by being part of the stolen generation or your parents being part. What you are doing is really, as you said, an investment or an opportunity to turn around some of those negatives.

**Mr WESTON:** It is. There are existing good programs and opportunities for Aboriginal people. I do not think we have had a better time for people to access an education or access a job. There are people who can take up those opportunities because they are ready to do it, but there is another big chunk of people that are not ready not because they cannot do it but because they have to deal with the distress, pain and hurt in their lives. Healing, as Mr Franklin said, provides a pathway to those opportunities. I support that comment.

**CHAIR:** The cost-benefit analysis is great work because it does substantiate that we will save money if the Government works differently and there is a whole-of-community approach. I am not sure if you are aware that we went to the Healing Centre at Grafton.

**Mr WESTON:** You had a hearing there?

**CHAIR:** That is where we had a hearing—yes, it was great—and I am back there next Monday for apology day.

**Mr WESTON:** Terrific—yes, I heard that.

**CHAIR:** You are doing all this work in New South Wales, but as I understand there is no direct funding from the New South Wales Government for your organisation?

**Mr WESTON:** No, last year we partnered with Aboriginal Affairs to hold what we called a healing forum or gathering. The consequence of that is there are going to be six forums held regionally over the next 18 months, I think. We are putting up some money and they are putting up some money, and that is a good start. We are doing that because we know that those conversations are really important. Again, it is a way to support a jurisdiction that has healing as a policy. That is what we want to see, so we use the New South Wales example of how to put healing into official policy when we are talking in other States. Once healing is in official policy you have to work out how to implement it and respond to it. We think the Healing Foundation has some good options and ideas, and some practical examples that can be built upon and tailored for the New South Wales environment.

**CHAIR:** We have run out of time but you might get some questions on notice.

**Mr WESTON:** That is fine.

**CHAIR:** Did you say 3,600 people engaged in that?

**Mr WESTON:** Yes, in this report.

**CHAIR:** What about the total life of your organisation and programs? Do you have an overview report that identifies how many, where, how?

**Mr WESTON:** I can give you a quick snapshot. Over the five or six years we have been running we have funded 100 projects nationally that have engaged 20,000 Aboriginal and Torres Strait Islander people in the activities those projects have delivered. There have been strong indications through the evaluation processes that people have had improvement in their social and emotional wellbeing. There have been economic and employment benefits out of the programs. The social and emotional wellbeing workforce engage strongly in those projects, particularly the training and education work. There are some really positive messages and stories, and we can certainly provide you with some summary information about that.

**CHAIR:** Particularly if you can isolate New South Wales in those numbers that would be fantastic.

**Mr WESTON:** Yes, we can.

**CHAIR:** I want to compliment you on the work you have been doing and the quality of the reports on your website. I would like a hard copy to look, through.

**Mr WESTON:** Thank you.

**Reverend the Hon. FRED NILE:** The cry we heard from the Aboriginal witnesses is that they want healing centres.

**Mr WESTON:** Yes, it comes up every time we hold healing forums or gatherings and we have held a number of them over the years. We started in Alice Springs and Kununurra and we have been up to the Torres Strait, and they say the same thing—healing hub or healing centre. There are different models. It does not have to be about bricks and mortar; it can be a way of doing something a bit differently. You may want to think of language nests as healing centres because that has culture right at the centre.

**CHAIR:** I note that you have not made a submission, but if you want to provide any other information please know we would very much appreciate it.

**Mr WESTON:** A written submission, yes, sure.

**CHAIR:** There will probably be some questions on notice. What you have provided and the work you do are invaluable.

**Reverend the Hon. FRED NILE:** Just attach your reports and cover the work that you do.

**Mr WESTON:** Yes, no worries.

**CHAIR:** Thanks for coming along.

**(The witness withdrew)**

**(Luncheon adjournment)**

**TIM IRELAND**, Chief Executive Officer, Aboriginal Child, Family and Community Care State Secretariat (AbSec), affirmed and examined:

**CHAIR:** Welcome. Would you like to make an opening presentation?

**Mr IRELAND:** Yes. I thank the Committee for the invitation to be here today. I acknowledge that we are on Gadigal land, of the Eora nation. As a member of the Bundjalung nation from the far North Coast of New South Wales I pay my respects to elders past and present and to those members of the Stolen Generations who never returned home. From our perspective this inquiry is timely. As we approach the twentieth anniversary of the landmark "Bringing them home" report, it is important that we take this opportunity to reflect on whether we are meeting the commitments to Aboriginal families and communities that the report represented.

From the outset, I stress that the Aboriginal Child, Family and Community Care State Secretariat, or AbSec, supports reparations to members of the Stolen Generations. The reparations outlined in the "Bringing them home" report include acknowledgement, apology, guarantees against repetition, measures of restitution, measures of rehabilitation and monetary compensation. In its submission AbSec focused on guarantees against repetition and on measures of rehabilitation as it believes these elements are most relevant to the current child welfare system in New South Wales. We acknowledge the intergenerational trauma caused by past policies and practices that had an impact on the Stolen Generations and have a continuing impact on Aboriginal families today. AbSec strongly believes that to exercise self-determination in the child and family welfare sector in New South Wales the State needs to take steps to place responsibility for Aboriginal children and young people back in the hands of Aboriginal people and communities.

As the peak Aboriginal organisation in New South Wales focused on the Aboriginal child welfare sector, AbSec is concerned about the application of the Aboriginal child and young person placement principles and recent legislative changes for legal permanence. We stress the need for a holistic Aboriginal child and family system, with services delivered by Aboriginal community controlled organisations to ensure connection the community, culture, and country—a system designed by Aboriginal people, in partnership with others where needed, to tackle issues in Aboriginal communities related to family capacity and child wellbeing and safety. Broadly, AbSec's vision for the future of the Aboriginal child and family sector in New South Wales is a whole-of-Aboriginal-sector reform to deliver holistic Aboriginal child and family services across the continuum of care. That would start at universal care and go through to the tertiary end of out-of-home care, the crisis point, when we are thinking about an Aboriginal child's safety and wellbeing in the community.

Aboriginal children and young people continue to be overrepresented within the current system of child protection and out-of-home care. We are 7.3 times more likely to receive child protection services, eight times more likely to be the subject of substantiation within those child protection services and 9.7 times more likely to be in out-of-home care. One in eight Aboriginal children received a child protection service in 2013-14, according to data for that year, compared to one in 53 of the non-Aboriginal population. One in 14 Aboriginal children is in out-of-home care, compared to one in 136 of the non-Aboriginal population. Our latest figures, based on June 2015 data, show that there are slightly more than 19,900 children and young people in out-of-home care in New South Wales. Of those, more than 7,400 are placed with non-government organisations and more than 2,200 are Aboriginal children and young people, representing approximately 30 per cent. That is within the non-government sector. There are more than 5,600 within the Family and Community Services statutory system—that is, relative kin care or foster care—of which 2,520 are Aboriginal children and young people, or approximately 45 per cent of that population.

The remaining numbers that add up to that figure of more than 19,900 are to do with guardianship orders, or supported care with or without orders. The number of Aboriginal children within those domains is not readily reported. We are unable to identify the number of Aboriginal children who are affected by that. I am talking specifically about guardianship, as that is one of the areas of legal permanence. By those figures, Aboriginal children continue to be overrepresented in out-of-home care. Too many of those in out-of-home care are not being supported by Aboriginal community controlled organisations that would allow for connection to culture and country, home and family. Three-quarters of Aboriginal children in out-of-home care or foster care are supported either by a non-Aboriginal organisation or within the State-run system.

Our focus is on guarantees against repetition and on rehabilitation to address the current system. Ours is an Aboriginal community driven and designed way of providing safety for Aboriginal children and young people and ensuring the wellbeing of families. Thank you.

**CHAIR:** Thank you.

**Reverend the Hon. FRED NILE:** Is it possible to indicate how many Aboriginal children have been put into care with a non-Aboriginal family, a white family?

**Mr IRELAND:** Yes. I will take that on notice.

**CHAIR:** That is fine.

**Reverend the Hon. FRED NILE:** Could you give an estimate?

**Mr IRELAND:** Of the 2,218 Aboriginal children within non-government organisations, 1,120 or so are placed with Aboriginal accredited agencies—that is, AbSec members—and just over 1,000 Aboriginal children and young people are placed with Aboriginal carers. I will provide the answer to your question on notice.

**Reverend the Hon. FRED NILE:** It is not possible to calculate it?

**Mr IRELAND:** Yes.

**Reverend the Hon. FRED NILE:** You would assume, though, that the Aboriginal non-government organisations normally would put them into care with an Aboriginal family, would that be the case?

**Mr IRELAND:** That is the aim, either within relative kin care where possible where family finding has been undertaken or with an Aboriginal carer as per the Aboriginal child placement resource.

**The Hon. BEN FRANKLIN:** And would it be usual practice that of the 1,127, usually they would be placed with an Aboriginal family?

**Mr IRELAND:** At the moment, off the top of my head, probably more than 50 per cent are with non-Aboriginal carers, and that goes to our submission that we talk about the application of the Aboriginal child placement principles and going through the hierarchy there and decision-making thinking around that.

**The Hon. SHAOQUETT MOSELMANE:** As you say, Mr Ireland, it is almost 20 years since the "Bringing them home" report and one of the key recommendations was avoiding repetition yet here we are almost 20 years later and you are still seeking guarantees against repetition. What else does the Indigenous Australian community need to do to obtain that guarantee and ensure that the taking of children is not repeated?

**Mr IRELAND:** Yes. In looking at our submission that we, AbSec, had submitted to the Committee, our focus is on embedding more of a self-determined approach to Aboriginal child welfare. So that is really putting more control and more authority back into Aboriginal communities to make the decisions that rightfully should be there around the safety, wellbeing and upbringing of Aboriginal children and young people into the future. There have been some kinds of advancements around that where you would see that the State has agreed to guiding principles that were formed in partnership with Grandmothers Against Removals group and so on around including more of a consultation or decision-making approach within child protection and removals of Aboriginal kids.

That is probably just the first step to going towards a more self-determined Aboriginal community particularly within this kind of environment. I would be thinking that more of an emphasis needs to be placed on real conversations with Aboriginal communities and Aboriginal community controlled organisations about how to provide for child safe Aboriginal communities or the necessary services to build family capacity, family strengthening, things like that, from an Aboriginal perspective as distinct from each Aboriginal community across the State.

**The Hon. SHAOQUETT MOSELMANE:** How far has that self-determination argument progressed?

**Mr IRELAND:** Not very far.

**CHAIR:** Is it not the case that the Government has already made commitments that there will be training programs and is trying to expand that sector of the child protection system as being Aboriginal

organisations. It has been stated in budget estimates that the Government's commitment was to really grow that part of the sector. What has happened with the programs? Are they not being delivered?

**Mr IRELAND:** There has been a commitment, in partnership with AbSec through the Department of Family and Community Services, to grow the Aboriginal community control sector. There has been a commitment to having Aboriginal community controlled organisations as a way to provide supports for Aboriginal children and families. Over the years this has fluctuated in terms of the kind of investment or resourcing that has gone into building a true Aboriginal sector, recognising that there are service gaps in many locations across New South Wales like western New South Wales where a hands-on kind of support or capacity development needs to occur with Aboriginal organisations to be able to operate within this kind of system. Where we are at right now is, as outlined in the submission, a focus on creating an holistic Aboriginal child welfare system that goes to earlier intervention and universal supports and family capacity building through to the tertiary of out-of-home care within an Aboriginal service system environment.

**The Hon. COURTNEY HOUSSOS:** I ask a question on that specifically because the Healing Foundation, which gave evidence before lunch, said that kids are fundamentally better when they stay at home with their families. Are you aware of any programs across the State or indeed the country that allow kids to stay at home or that provide the kind of support that they need? I am happy for you to take that question on notice?

**Mr IRELAND:** Yes, I will take it on notice. I know of some models within Western Australia where it is about family going into care in that kind of scenario where you are building up family capacity and strengthening in that way but in terms of other models, I will take that on notice.

**The Hon. SHAOQUETT MOSELMANE:** Are there any statistics to show that as time passes more of those children are going into Aboriginal homes rather than other institutions? Are the statistics growing?

**Mr IRELAND:** They are, yes. Currently within the out-of-home population of children and young people we have 36 per cent that are from an Aboriginal background. That has grown over the last 12 months from 35 per cent but it is trending upwards so there are more new entrants coming into the system as opposed to those leaving the system, either returning home or exiting at the age of 18 and so on.

**CHAIR:** Restoration?

**Mr IRELAND:** Yes.

**The Hon. SHAOQUETT MOSELMANE:** My question is more directed towards those kids rather than being taken away from home remaining with their families. Have the figures shown that progressively increasing in terms of children remaining with their parents, particularly with the Government making those decisions?

**Mr IRELAND:** I would suggest that based on the data within child protection, substantiation rates and things like that all trending upwards, it kind of goes against kids actually staying at home and being supported by family in that way, which kind of calls for a need for greater or more tailored supports for Aboriginal children and families.

**Reverend the Hon. FRED NILE:** Are you happy with the way FACS is operating? Does it clearly have a priority to place children with Aboriginal homes? Obviously sometimes it is not physically possible but does the department understand that it is a priority, in your mind? Is it working in that way?

**Mr IRELAND:** Not necessarily. As an Aboriginal sector we look at, on the one hand, you have compliance with the Aboriginal child placement principles up there and boasted across the country as being quite high but on the other hand that is just a compliance kind of thing so you tick a box, "Done"; you have looked at it, kind of thing, and you can move on, whereas what we need to really look at is the decision-making thinking around: "Well, did you really look at number one here and is that the right circumstances for the Aboriginal child? Is there really no other family or extended family that could take the Aboriginal child?" and then move on and on down the list and show that thinking.

**Reverend the Hon. FRED NILE:** It requires more work, does it not?

**Mr IRELAND:** Yes.

**Reverend the Hon. FRED NILE:** Which they have to do.

**The Hon. SARAH MITCHELL:** Earlier we had some discussion, and it was in a different context, around changing some of the language about consultation with Aboriginal people to negotiation and that was more to do with reparation. In terms of what you are talking about for the way that the system currently treats Aboriginal children when they are taken from home, do you think there is scope in that sense to change the framework from consultation to negotiation as well?

**Mr IRELAND:** And more broadly to engagement. Just having the conversation with communities is important. The solutions at a local level that could be identified around family capacity in particular communities, that those conversations are not occurring now, could have a very, very positive impact on what is actually happening now. I personally do not like the word "consultation".

**The Hon. SARAH MITCHELL:** That came up earlier as well.

**Mr IRELAND:** It needs to be more of an open kind of engagement and dialogue about this is what us as an Aboriginal community think about the upbringing and safety of Aboriginal children in our community and having a real, open conversation about this is what as a department, what FACS is saying, that needs to be done and this is as an Aboriginal community what we think must be done as well and the merging of the two. So, yes, negotiation, I guess.

**CHAIR:** We have heard a lot in this inquiry in our submissions about the intergenerational impacts of the stolen generation and in relation to your particular issues we know that the Government has a very strong commitment to protecting the interests of the child. Is there a correlation there about unaddressed impacts of the stolen generation and some of the harm or risk of harm that is being caused to young people today and that is why the Government feels the need to act to avoid those situations? Have we ended up at a crisis point because the early intervention and recognition that came after "Bringing them home" was not provided and we are seeing that impact? Is that a fair overview?

**Mr IRELAND:** I think the failure to address intergenerational trauma has an impact on future generations to come and so, starting with the Stolen Generations, you end up with more children removed because their kids were removed and their kids were removed and so on, rather than having more focus on healing as such or on building that family capacity and cultural connection that empower Aboriginal people and equip them with a sense of identity as they move into adulthood and so on.

**CHAIR:** In your submission you have focused on this because it is such an important area that goes to that point of reparations but there was a point in here about the community-controlled organisations and whether or not they were able to deliver and then you went on to talk about how we do not really know how well it is all going because the Government is not sharing the data. I think you refer to Queensland as having a very open and transparent process. What are the other States like and is New South Wales not delivering because the legislation does not provide for it?

**Mr IRELAND:** I cannot really talk to the other States. We have looked at Queensland because they have actually undertaken a more in-depth kind of audit of how their thinking is around the application of the Aboriginal child placement principles. So in comparison, Queensland to New South Wales, which is the reference made in the submission, New South Wales tends to take that just basic compliance of we are complying with the legislative framework and that tick-a-box situation, I guess, whereas Queensland opted to look into the detail about that and what are the decision-making thought processes that go into ensuring the best outcome for the Aboriginal child or young person that is either being removed or taken into care and so on. Within their data they identified that their compliance rates are more or less false in terms of delivering better outcomes for Aboriginal children.

**CHAIR:** Is that what you said before about ticking the box?

**Mr IRELAND:** Yes.

**CHAIR:** Has what they are doing now met with a positive response from the sector that it is an honest reflection of what is going on?

**Mr IRELAND:** Queensland has put in place quite a lot of activity in response to that and our counterpart up in Queensland, the Aboriginal peak up there, is working more around building in standards for supports for Aboriginal children and young people that would be involved in the child protection system—so really outlining from the beginning the minimum requirements, the benchmarks that need to be put in place to support Aboriginal children and young people when they are involved in this kind of system. In New South Wales there is almost like a mismatch between here we have a piece of legislation and that says you must do this but there is no application or talk about how it should be applied and so on within either the government department or across the broader sector to ensure better outcomes for Aboriginal kids.

**Reverend the Hon. FRED NILE:** I note on page five of your submission you quote the number of children placed by FACS with Aboriginal families, which, according to my calculation, is 65.8 per cent, and 15 per cent are placed with non-Aboriginal relatives or kin. But then you go on to say in your submission, "however it should be noted that many members and Aboriginal communities express scepticism at these figures, emphasising the importance of greater transparency between FACS and Aboriginal communities and AbSec". What is the reason for that scepticism?

**Mr IRELAND:** This comes back to the point I am making around the need for a robust decision-making and monitoring framework for how the principles are applied. From our perspective it does not appear that adequate application of the placement principles are being followed, particularly from an Aboriginal community expectation and point of view. The compliance rates just seem—I do not want to say falsified but they seem, all I can think of is a tick-a-box kind of thing; it is like "we have brought about that and move on" kind of thing, rather than look at the best outcome for the Aboriginal child.

**Reverend the Hon. FRED NILE:** They are not accurate figures then?

**Mr IRELAND:** They are not showing the detail, the disaggregated kind of detail that is needed to determine the best outcome for the Aboriginal child.

**The Hon. BEN FRANKLIN:** Can I go to your issue and concern that you raised earlier about a greater equal dialogue between community services and the Aboriginal community when discussing often tragic and difficult circumstances. Can you elucidate a little more on how practically and logistically that might be able to work and some ideas you might have around how that interaction could come together?

**Mr IRELAND:** Using the recent kind of commitment to the guiding principles for involving Aboriginal communities in child protection matters that was struck between Grandmothers Against Removals and other key stakeholders, AbSec being a party to that as well, it is really around being and having an open conversation around what the real kind of systemic issues are at a community level and having those conversations directly with community around what needs to be put in place as solutions or to work towards to overcome those systemic issues. In one particular community there might be higher rates of risks of significant harm—looking into that a little bit more in detail around why, what are the specific reports and then exploring that or analysing that and then coming up with community around what needs to be put in place both at a collective community level that is driven by the Aboriginal community and with the support of FACS or the department.

**Reverend the Hon. FRED NILE:** Ideally you want to keep the Aboriginal child with their family in the Aboriginal community.

**Mr IRELAND:** Yes.

**Reverend the Hon. FRED NILE:** That should be the priority.

**Mr IRELAND:** Yes.

**The Hon. BEN FRANKLIN:** I agree with that.

**CHAIR:** Do you have a view about whether or not government should be collecting information about whether or not people have a history and association with stolen generation when they come into contact with government agencies so we know whether or not there is a relationship there? In the reading I have done people have assumed there was going to be monitoring and evaluation because the numbers are so loose, with information being lost, and we do not know how many people in jail or out-of-home care have this trauma. Do

you think it is appropriate that they are asked whether that is the case when they come into contact with government agencies or NGOs who are working in that field?

**Mr IRELAND:** If it was willing to be volunteered I think most Aboriginal families would express that they have had some incidences with the Stolen Generations, with family members a part of it. I think looking at the system as it is now, removal of Aboriginal kids now, exploring as part of the family finding approach and understanding what kind of trauma informed practice needs to be put in place to overcome current challenges and behaviours around an Aboriginal child or contact with family. It would add to putting in place those relevant plans by having an understanding whether a direct family member has been involved with the Stolen Generations. Also, add to building in more of a cultural support planning approach to ensure connection to culture for that Aboriginal child.

**The Hon. SHAOQUETT MOSELMANE:** So I can understand the process: you are asking that children remain with their families, but if their families are unable to, for whatever reason, support them is there Aboriginal community groups before it goes to an institution or a non-Aboriginal family? Is there another organisation that is in between?

**Mr IRELAND:** At the moment we have Aboriginal community controlled organisations across New South Wales, mostly along the East Coast. These organisations act to keep Aboriginal children who are in need of alternate care remaining in their community and connected to their community, family and broader culture. The best situation, which is not always a good situation if a child needs to be in alternate care or out-of-home care, the best situation would be that an Aboriginal child is placed on country where their family is originally from allowing them to form their own identity and cultural connections with extended family or immediate family. Those organisations are in existence, they strive to recruit Aboriginal carers when there are family members unable to take on the caring role of an Aboriginal child that needs to move into out-of-home care.

**CHAIR:** There are a few things you have taken on notice and if there is anything else you would like to submit you are welcome to do so. Thank you for your comprehensive submission.

**(The witness withdrew)**

**NORMAN SHEEHAN**, Director, Gnibi College of Indigenous Australian Peoples, affirmed and examined:

**CHAIR:** Do you have an opening address or any comments you would like to make before we go to questions?

**Mr SHEEHAN:** It is an honour to be here and have the opportunity to say a few things. I am an academic. I work at Southern Cross University. I am an Aboriginal man, born in Mudgee. I spent from the age of eight to 16 in Catholic church care. I have quite a different view of Stolen Generations. I do not consider myself to be part of Stolen Generations because Government had no influence in my life path. When I look at the issues before us I do so as an educator. I have been a teacher for more than 30 years. When I think about that I have also worked with Link-Up Queensland extensively. I have worked with Stolen Generations people through Link-Up Queensland, funded by the Federal Government, and done research into practices and outcomes for Stolen Generations organisations. I also have qualifications in psychiatry. I have a PhD in education. I did my post-doctoral in psychiatry doing two studies with the University of Queensland: Aboriginal suicide in Queensland and social national well-being report.

I am a pretty emotional sort of a guy. I get by not concealing those things. I work a lot with communities and groups. I do not consider myself a councillor. I council with groups and the model I think really needs to be looked at across the board is the therapeutic community model. That is where people who have experience with the damage come in to assist others to deal with the damage under the guidance of clinical, or not, practitioners. I think that is really important. I think that works because what it does is share resilience. I have done a lot of research in the background of colonialism and what it does, trauma and what it does to people, and read extensively in those areas. If you look at trauma such as the Kinchela boys for example, what they went through is psychological torture: being de-identified of their names, being crammed together, being held in fear, being isolated from the community—all those things are now determined as psychological torture by the United Nations.

The thing about this is that it is not something that goes away. The trauma does not go away. The resilience actually stays. When I did the research with Link-Up Queensland in particular, they defined the practitioners there, the councillors and the caseworkers in Link-Up Queensland, to find the healing they were aiming for as a fragile fulfilled wholeness. The clients were fulfilled and they were whole, they were connected to their communities, but they are always going to be fragile. I have helped members of the Stolen Generations who have had terrible events occur because they bumped into a son of a perpetrator on a train. A 55-year-old man with grandchildren, really well established, good job, good house, good family, starts ripping himself and his family apart because he bumped into someone who remembered him from his childhood on the train.

Events like that can cause people to regress very quickly. You also get men who go through all these experiences are very resilient. One guy I spoke to married and had three boys but by the time the boys were 10 and 12 he started to have huge problems. Every weekend his house is full of boys and it reminds him of the home, he cannot deal with it. The idea that there is a cure: there is not a cure. There are patterns for resilience and they are not well identified, they are actually ignored. Collecting narratives, collecting life stories that Aboriginal people started doing right from the start of this work is one of the strongest resilience-building processes, yet there is no funding, support and things like that to actually continue to build these stories and make them richer and share them at a community level.

The other thing is that when you start doing that at a community level you actually grow a culture of resilience. I think that is what is needed. I work at Gnibi College. We have a group of eight Bundjalung elders who work with us. We are building education programs that are based on narrative therapy, that are based on sharing stories, and we fund processes ourselves to grow culture and language in the community. We host the Language and Culture Nest for the Bundjalung nation. Although we have not received one cent of funding from the New South Wales Government to do that, we have applied through Federal equity funding to build language apps and other things like that because this is all joined together. I would like to table this document. It has some basic stuff in it for an education program. It was done with Link-Up Queensland.

It has a timeline detailed for Queensland but one of the things I would suggest would be that that there is a project to collect this history and get the story and the truth correct about the history because it is amazing. You will see a community, say, in North Queensland with problems and you read back into the history of missions. In the first mission back in the 1860s they segregated all the young girls and systematically abused them. When the Aboriginal men found out and enacted punishment on the missionaries and then gave

themselves up saying, "We punished them because they were doing this", they were all shot. So these histories in places linger. Understanding a divided community or a community that has a lot of violence in it you may have to go back 100 years to understand the real roots of that and get an understanding of divisions in communities. I table this document. I have sent through a pdf of it.

**Document tabled.**

We are going to work on that more, do more research and build it as a program, if you like, for higher education and for TAFE-level programs. We teach TAFE and higher education.

**The Hon. SHAOQUETT MOSELMANE:** It is an honour to have you here.

**Mr SHEEHAN:** It is an honour to be here.

**The Hon. SHAOQUETT MOSELMANE:** I am asking you this question in your role as an educator. By meeting people and listening to them the Committee is getting to understand what those people are going through but the wider community lacks that access. What is the level of understanding is in the mainstream community about the Stolen Generation and the trauma they are going through?

**Mr SHEEHAN:** Gnibi College teaches across the university. Around about 1,500 students do our programs every year. Students at Southern Cross University have to do an Indigenous studies unit for cultural competency. The vast majority of those in cross-discipline subjects are non-Aboriginal people. Each year we repeat ourselves, we repeat the story. Each year we see why kids are dismayed and disturbed by their own history and each year we try and patch that up for them. Over the years if I go into government places I usually find there might be Indigenous workers who are past students but I also find a lot of non-Indigenous workers who are past students of programs. So I think it is a really long path, and it gets really repetitive and it drains Indigenous lecturers but it is necessary work. Unfortunately, a lot of the larger universities are cutting these things out or have cut them out. It is an ongoing process of education. I think it is probably the most vital education for non-Indigenous kids.

**Reverend the Hon. FRED NILE:** In the stories we have been told by members of the Stolen Generation we have been shocked by the amount of abuse—physical, emotional and sexual—that went on. For example, at Kempsey they showed us a large tree that had a large chain still fitted to it. They said that boys were chained to it and made to sleep there overnight.

**Mr SHEEHAN:** Yes.

**Reverend the Hon. FRED NILE:** We have never heard those stories before.

**Mr SHEEHAN:** I have worked with a lot of people who have had those experiences but one of the things you find if you study the mental damage that comes from these things is that there is no difference between if a child was sexually abused or whipped or beaten or just observed or knew it was happening and did not actually see anything. It is being in the context where those things are possible as a child that really damages society. A young person who has gone through that as a witness or just a presence or as a victim will by the age of 50 be bipolar, as it is defined. If they have been more severely abused they will have dissociative disorder, which means as they get older they spend less and less time in reality—it actually gets very hard to keep in reality. So from that you also get huge amounts of violence, aggression and lateral violence as well among families because people who are bipolar are very testy to live with and people who are dissociated and bipolar are almost impossible.

Those results are fairly standard for anybody who has suffered or witnessed severe abuse in childhood. So the mental illness things actually increases with age and for a lot of those people the only solution available in the system at the moment is medication. It is really not possible to differentiate who has got more or less of a problem from this trauma but you find that each person has ways of coping and dealing with it. If anything, one of the things that I think an inquiry like this should do is really celebrate and acknowledge the strength and power of those who have survived and continue to survive.

I work with uncles and aunties who have suffered dreadfully and they still suffer—they are the most magnificent people. They are genuine and they are humble and they are honest and they survive and they have a lot to share. I think honouring them would be a major thing because they have survived something worse than

the Holocaust. Focusing on the trauma is one thing, but it does not help anybody. Focusing on the resilience and understanding what makes people resilient to these things and how they survive and how they drag themselves back from the edge is where I am interested. That is where research needs to happen. I have not seen published anywhere the factors of resilience for the Aboriginal people who have been through this.

**The Hon. BEN FRANKLIN:** You talked earlier about the therapeutic healing model, was it?

**Mr SHEEHAN:** Therapeutic community model.

**The Hon. BEN FRANKLIN:** It seemed to me that that was based on an idea that those who had been impacted personally then led the healing. Could you explain that model? It sounded fascinating to me.

**Mr SHEEHAN:** I can tell a story about a guy who I worked with who was reunited with his father when he was 50. He is a huge, strong guy who worked as a labourer all his life. He had no idea where he came from. He was brought up in Nudgee home in Brisbane and he found out at 50 that he had a dad out in the far west, around Charleville. We worked with him as a team of counsellors—there was not one person but actually about seven people including his dad, my nephew and a number of other counsellors. When he first started we tried to get him to tell his story but he could not actually speak. He would get up in front of the group and burst into tears. He said to the group, "Why can't I speak in front of people?" I said, "Because you are not as pretty as I am". That is an obvious joke, but we started laughing about the fact that we could not get him to speak. The joke about me being pretty was the continuing joke through the progress of healing, for about 12 months. Then one day he came in and said, "Look at my eyes, aren't they nice?"

The role of Aboriginal humour and storytelling and sharing and having a good laugh and a cup of tea really brought him together. He stood up in front of the group and spoke for eight minutes. Then he spoke on a number of different occasions during the year to help others. After a while, the most important thing was that he stopped telling his story. He said, "I've had enough of that now, don't need to go over it again. I own it and I'll move on." So the group allowed him the space to get there, the brotherly and sisterly support to get there. His father and other elders in that community supported him, and when he actually could tell his story he did but he had healed enough to say, "I don't need to dwell on it; I need to get strong and move on." I think that that pathway takes huge skill. There are people like Aunty Helen, who has now retired, who is a Link-Up counsellor. She is incredibly skilled at this. It takes time and it takes real judgement to know in which direction to go. Training people in that is probably what I am going to spend the rest of my days doing.

**CHAIR:** How long did it take for him to get to the point where he could stand up and tell his story?

**Mr SHEEHAN:** Around about eight to 10 months.

**CHAIR:** Is part of the problem the expectation that four or six sessions with a standard counselling process should be enough for someone, if they are lucky enough to get support? Is the framing of it the problem?

**Mr SHEEHAN:** Yes, if you used the mental health framework to claim the hours for that, you would be questioned because it involved sitting in the car together and driving to Charleville from Lismore. Also, organisations change and people's roles and jobs change. It continued through all those different changes. One of the things that need to be established is some sort of cross-organisational support so things can be transferred pretty seamlessly from one group to another, because there is so much pressure on Link-Up. I have worked at Link-Up for a number of years and there is no supervision for Link-Up staff. There is nowhere for people to go to debrief. They are not considered to be counsellors and they are doing huge counselling caseloads. There is no provision in the funding for them to go and debrief with anybody else, which is one of the requirements of mental health work.

**CHAIR:** You made points about other things that need to be done. All these things are in the "Bringing them home" report; they are all recommendations. You go from recommendation 23 to 36 to 40 for counselling services and mental health. Did these things happen? Did they start and not continue?

**Mr SHEEHAN:** With respect, I think communities and families do these unpaid. I know Aboriginal people will affirm that we can go into any community and find the support we need and the family we lost. In the text, when I did the analysis of the figures, I think more than 68 per cent of Stolen Generations people have never accessed any clinical or formal services. That means that their communities—the Aboriginal

communities—are doing this themselves. One of the reasons a lot of people do that is that Aboriginal communities simply do not trust government.

**Reverend the Hon. FRED NILE:** They have good reason not to.

**Mr SHEEHAN:** Yes, that is right. If you look at the United Nations statement on healing victims of torture and trauma, the first thing that has to be rebuilt is the relationship between the people and the systems of government. That has never happened.

**CHAIR:** Is there an example somewhere in the world of it happening well—whether it is a Canadian model or one from New Zealand? Is anyone doing this sort of reparations work well that we could learn from?

**Mr SHEEHAN:** I have colleagues from New Zealand and Canada and the United States I work with really closely, and we looked at that question back in 2009 pretty intensively. We could not find anywhere because essentially all these places are tainted by the same form of colonialism. What has to be undone is the systems of colonialism, and unfortunately systems of colonialism have built-in processes of self-denial and almost invisible self-denial. In terms of colonial theory, the way I explain it is a predator society does not want to look at itself because it survives by predating on others. That is what we are dealing with here. Probably the best example would be Israel and the anti-Holocaust movement in Europe, where it is a crime to deny the Holocaust in many counties.

**CHAIR:** If there is no example, is there an analysis or a consideration of the framework that would be needed for the governance issues that would be required or something that might inform us as we try to present some recommendations?

**Mr SHEEHAN:** There is a very strong model from a healing program in Canada. I think it was published in 2007. It looks at culture as a hedge against suicide. Their Stolen Generations are more extensive than in Australia. Theirs lasted some 300 years longer. Their research showed that six factors of cultural strength in communities addressed all the issues. But they have treaties and discrete communities, which allowed those communities to do that. We do not have that in New South Wales. People are talking about local healing hubs, therapeutic community models, and culture and language nests. That model is the seed of something that might be a first in the world but you would need a really good team of people working together to make to happen. The investment would be worth it. Somebody said it costs $400,000 to support an incarcerated person, a mentally ill person, through their lifetime. The effects that flow on to the children of mentally ill people would be much more than that.

**CHAIR:** Let alone adding all the rest of it.

**Mr SHEEHAN:** Yes, and adding all the rest of it.

**CHAIR:** The child protection system is very costly.

**Reverend the Hon. FRED NILE:** Some members of the stolen generation who gave evidence to the Committee said that they had not told their story before in such detail because they had been so hurt.

**Mr SHEEHAN:** You have to be a practical, real person and try to get on with things and do good stuff. You cannot wallow, because it is non-productive and self-damaging. A large number of my staff are members of the stolen generation, damaged and abused people. That is the case in any Aboriginal organisation. We get together and work through our cultural safety framework. That is set by the elders and provides us with some certainty. In the text there are four simplified outcomes from extreme trauma. The first is "freeze", where a person feels they cannot do anything ever for the rest of their days. The second is "flight", where a person runs away from things for the rest of their days. There are many different ways of running. The third is "fight". A lot of Aboriginal people fight like crazy all the time, often over nothing. The necessity to fight to be alive is one of the bad outcomes of trauma.

The worst of the four outcomes is something called "fracture". A couple of writers have written about this. There is a text called *Soul Murder* that looks at the outcomes of child abuse. There is another text called *Healing the Soul Wound*, by Eduardo Duran, who is a Native American psychologist. He talks about people who are really badly injured and who seek to transfer the injury to others. When you read the statistics you find that 60 to 75 per cent of child abusers were also victims. Passing on the injury is like a disease of abuse. We have to

honestly acknowledge that many people are suffering from that. It is very difficult to deal with. The only way to deal with it is through cultural principles, through respect and through everybody knowing. In Aboriginal communities most people know everything about everybody else. It is also about protecting a person from themselves. One person cannot do that. A counsellor cannot do that, but a community can. That is where the therapeutic community model has its strength. It can deal with all of those things.

**Reverend the Hon. FRED NILE:** Have there been any studies of the staff of those children's homes? Were they racist or was there a policy to deliberately break the spirit of the boys?

**Mr SHEEHAN:** I have looked at it. I have seen it in operation. I would say it is sickness amongst the staff. Usually there is one aggressive, violent and terrifying person who will bash a kid to a pulp in front of all the other kids. He will get everybody out of bed in the middle of the night and make them stand at the end of their beds until somebody owns up to talking. Everybody knows nobody was talking. Everybody is too tired. They were all asleep. A person like that will terrify everybody. A sexual abuser will come in underneath that cloud and offer sanctuary and safety. Teamwork allows people to do this evil. You see it operating in institutions, in the Catholic Church and in every church. That is allowed to happen in every situation where a group of adults who are not related have absolute power over children. Those people team up and work together to get their jollies in different ways. It can be so extreme that kids die and their deaths are hidden. It can be so extreme that kids start to fight back. In those situations children are engaged in warfare.

Look at the Kinchela home: there was psychological and physical warfare, and sexual abuse as well. I am amazed at some of those guys. The ones who are left are so strong. It is about resilience. I know a couple of fellas from there. One is a brilliant painter. It is about understanding that sort of survival. The royal commission is developing a very good understanding of perpetration. Its guidelines for reparation are excellent. The institutions that we have developed all have their roots in colonialism. One of the things policy needs to do is to identify that and not just inform an institution about what it should be doing but activate the institution to change itself. All these different institutions have to change themselves. I have heard everyone who has spoken here say that in a different way. How do you do that? It is big job.

**CHAIR:** I am happy for you to take my next question on notice, as we are running out of time.

**Mr SHEEHAN:** We have not made a submission. Gnibi is one of the oldest Aboriginal higher education colleges in the country. I am sure our elders and our vice-chancellor would support us making a submission.

**CHAIR:** That would be terrific.

**Mr SHEEHAN:** We will put a submission together for you as soon as possible.

**CHAIR:** That would be appreciated. A witness spoke earlier today about training trauma workers and providing an understanding of what is involved for Indigenous people who experience trauma. My understanding is that Gnibi does a lot of that work.

**Mr SHEEHAN:** Yes.

**CHAIR:** What is your trauma program called?

**Reverend the Hon. FRED NILE:** If there are any recommendations you would like to put to us, please do.

**Mr SHEEHAN:** We will put our heads together and come up with something and get it back to you. We are looking at narrative therapies and at being accredited for that at practitioner level so that we can train practitioners. That will start next year.

**CHAIR:** Do you do any work with non-Indigenous people to give them an understanding of trauma, the history and impacts of colonialism?

**Mr SHEEHAN:** We do a cultural competency program called Hard Yards and it is about really challenging people's understandings and expectations in a very positive way. I think those things are really necessary but change happens slowly. Changing the way that people act within institutions should come first. I

think there needs to be a really fundamental change there and I think the royal commission is actually striving to get that to happen and riding on the back of that there will be huge recommendations to support this Committee to make policy changes hopefully.

**CHAIR:** Thank you for coming along. I notice that you have been here for the whole day and you have listened to everyone else. It is greatly appreciated.

**Mr SHEEHAN:** Thank you. It has been great. Thank you for doing this.

**(The witness withdrew)**

**ANNE DENNIS**, Deputy Chair, New South Wales Aboriginal Land Council [NSWALC], sworn and examined:

**CHAIR:** Would you like to make an opening presentation?

**Ms DENNIS:** I have a short presentation, thank you. I would like to begin by acknowledging and paying respects to the traditional custodians of the land, the Gadigal people of the Eora nation. I would also like to acknowledge and pay respects to the members of the stolen generation and their families past and present. Thank you to the Committee and the Parliament for giving our organisation the opportunity to speak at this inquiry and I note that a number of local Aboriginal land councils have already given evidence.

This inquiry is very important to our local land councils and to me personally. The people of New South Wales should be proud that our Parliament was the first to offer an apology to the Stolen Generations. However, the "Bringing them home" report was tabled almost 20 years ago. Given the passage of time it is appropriate for this Committee to have another look at the report's recommendations and the New South Wales Government's response. It is important to assess whether the Government's response is still relevant today to the needs of the Stolen Generations, who, by any measure, remain among the State's most disadvantaged citizens.

With this in mind our land council has made a number of recommendations that we think would strengthen the New South Wales Government's response to the needs of the stolen generation peoples and their families. These include that the New South Wales Government publicly provides data and reports on the implementation of the Aboriginal placement principle; adequately invests in Aboriginal arts and healing programs; invests in mental health counselling, family reunion services and parenting support as these services contribute to the rehabilitation process; establishes a reparation tribunal to provide an avenue for members of the Stolen Generations and their families to work with government in developing policies that target their unique concerns; continues to adequately fund Link-Up; and compensates Aboriginal peoples affected by forced removal policies of the Stolen Generations.

Madam Chair and members of the Committee, the New South Wales Aboriginal Land Council is the peak body representing Aboriginal peoples in New South Wales and it is the largest Aboriginal member-based organisation in Australia. The New South Wales Aboriginal Land Council was borne out of the land rights movement in the late 1970s and was later legislated by an Act of Parliament in 1983. The legislation is the first for Australia that recognised the rights of Aboriginal people to claim their land back as a compensatory measure. The Aboriginal Land Rights Act was enacted to help remedy the dispossession of Aboriginal peoples in New South Wales.

Our network has grown to now represent more than 23,000 members and 120 local Aboriginal land councils across New South Wales. Our main memberships are thousands of people who were removed from their families under the policies that resulted in the Stolen Generations. Just as there is no Aboriginal family in New South Wales that was untouched by the horror of child removal there is no land council that does not count stolen generation people among its members. The Stolen Generations touched all families and mine was no exception. In many years working as a teacher with Aboriginal children I was constantly reminded of the damage caused by the policy and the removal of children.

The "Bringing them home" report was the first of its kind to acknowledge that wrongdoings were committed by consecutive Federal and State governments across an extended period of time throughout the nineteenth century up until the 1970s. It uncovered evidence that depicted abuse and mistreatment by government officials to members of the stolen generation. It demonstrated the attempt of government to segregate and marginalise Australia's first people. This was not an historical anomaly; it was a systematic persecution of Australia's first people and it should not occur again to Aboriginal and Torres Strait Islander people or any other ethnic community or minority peoples in Australia. NSWALC welcomes this inquiry and hopes that it will continue to shine a light on the practice of racially based child removal and inform government about the continuing needs of the stolen generation. I thank the Committee for giving NSWALC the opportunity to appear here today.

**CHAIR:** I appreciate that you have provided that submission. It was wonderful. How many points were in your plan?

**Ms DENNIS:** There were nine recommendations.

**CHAIR:** We look forward to looking at those more closely.

**Reverend the Hon. FRED NILE:** Thank you for coming today and for the work you do on the New South Wales Aboriginal Land Council. I notice that recommendation 7 was that a reparation tribunal should be established to provide an avenue for members of the stolen generation and their families to develop government policy that targets their unique concerns while recommendation 9 is that the Government compensates Aboriginal peoples affected by forced removal policies of the stolen generation. Would it be the reparation tribunal that would deal with the compensation issue?

**Ms DENNIS:** Definitely because it will be able to address the unique needs of the stolen generation. It should be able to focus on healing, and that is not just limited to the monetary value but more importantly it is about not repeating government policy in discriminating or removal so that children are not taken again, particularly with out-of-home care today, when children are removed, that cultural identity, cultural connection, that actually remains. The reparation tribunal would be the best to be able to address the specific needs to be able to handle that.

**Reverend the Hon. FRED NILE:** Who would you recommend should be members of that tribunal? Should it involve Aboriginal leaders?

**Ms DENNIS:** Definitely Aboriginal people need to be a part of that because it is about consultation and transparency in meeting the needs and recommendational outcomes to achieve the best outcome to address those issues. Parliament and also organisations and agencies would be able to address that and the New South Wales Aboriginal Land Council could be a part of that, as well as Link-Up. The PIAC also made some recommendations.

**The Hon. SARAH MITCHELL:** Thank you for being here this afternoon and for your submission. I want to take you to page 11 of your submission and to recommendation five where you talk about investment in the Aboriginal arts and healing programs. We have heard a lot over the few days of hearings that we have had both last year and then today about the importance of healing in trauma, but as far as I can recall you are the first witness that has talked about art in that process. Could you elaborate a little bit more for us in general terms about how your organisation sees arts programs helping in terms of healing and rehabilitation?

**Ms DENNIS:** I suppose when we are dealing with so many Aboriginal families today that come from the stolen generation it is about how we can involve and allow people to express themselves through whether it is natural talent or a way of dealing with trauma, because, again, you can talk with counsellors but people have got to be able to work through their issues and problems, whether that is through music, whether that is through art, whether that is through cultural studies, being engaged on country, language. It is being able to accommodate for a range of activities where individuals feel comfortable with what they can do and the arts would be one way of engaging with local people, particularly in rural and isolated areas.

**The Hon. SARAH MITCHELL:** So sort of seeing art and music as another form of therapy, for lack of a better word, rather than necessarily the traditional models. We talked earlier about sometimes you might get allocated your four sessions and six sessions and that is meant to solve years of horrific incidents and control them whereas there might be other ways people can express and deal with their own grief and feel what they need to feel.

**Ms DENNIS:** There are four sessions; someone might not reach their ability in that four sessions. People can then reach that at their own pace and you do not necessarily have to be in a large city or somewhere where you can access those resources. So it is about building that capacity where families are and for communities to be able to address that.

**The Hon. BEN FRANKLIN:** Could I take you to your recommendation number eight about Link-Up and other relevant programs? Two questions: the first is, are you concerned that Link-Up is not getting enough funding at the moment or is that just a warning to say please make sure it continues to get the funding that it needs? The second question is, you also mentioned "other relevant programs". Could you elaborate on what other programs you think are worthy of government support and are really good in the space that Link-Up does so well in?

**Ms DENNIS:** I do not think our organisation feels that Link-Up is getting enough funds to address the issues. There are many physical transgenerational and intergenerational trauma that stems from—we are going

back 86 years—the removal of children. What is usually happening is that the issue is around mental illness or the need is reactive. We are dealing with younger and younger people today but also older people. The need is far greater than what is actually out there. Link-Up is really the specialist organisation that could focus on historically to support families to make contact with families and also support individuals to be involved in alternative programs. Link-Up needs more funding to be able to address the needs today.

**The Hon. BEN FRANKLIN:** In terms of other programs that provide similar sorts of services, are there others that you would recommend that we look at as well?

**Ms DENNIS:** There are other programs around like cultural studies, the restoration and revitalisation of Aboriginal languages and engaging local Aboriginal people in being involved in on country experiences, particularly when we are looking through the Aboriginal land council the ability now to claim land and be back on country to go through that healing process. So being able to run programs and engage local people on country and to also share that experience across the community and establish and build a cultural identity of people knowing where we come from, why we are here, why we have got so many issues, because when we are looking at the stolen generation it was a period of time but today we have also got the social issues of housing, alcohol and drugs and it all seems to be intertwined into everything. Those kinds of programs of getting elders utilising their knowledge, their experiences, to be able to share that I think is really important.

**CHAIR:** I saw a television program about Darkinjung and they are doing a drug and treatment program there. Are there other land councils that are taking that initiative of developing these models and programs within their own communities for those sorts of issues?

**Ms DENNIS:** Really I suppose the land council uses that as a base to address and work with members. You can look at Worimi land council; Orange land council has got an employment project and looking at working with community; you have got Walgett Local Aboriginal Land Council working on reserves and addressing some of the youth issues there; and some of the Sydney land councils like Gandangara has got a transport service, a medical service, childcare services. There is a range of issues where land councils are trying to address its members to be engaged and be actively involved.

**The Hon. SHAOQUETT MOSELMANE:** With regard to recommendation nine where you are making recommendations for some sort of monetary compensation, I note that you say that is the only outstanding reparation that has not yet been addressed. What level of compensation are you looking at? I will just give an example. In South Australia they recommend around $50,000 for people who have been affected as members of the stolen generation. Has there been any consideration by the land council as to a level of compensation?

**Ms DENNIS:** That South Australian model really is of some interest and I suppose that is for the reparation tribunal to negotiate that. There definitely needs to be a monetary compensation. The tribunal and the committee would need to determine what that should be, but it should not be the only benefit really because it is about healing and it is about moving forward.

**The Hon. NATASHA MACLAREN-JONES:** In your submission on pages nine and 10 you talk about government policies and that some of the problems have been a failure over an extended period of time. You make reference to the Government's opportunity, choice, healing, responsibility, empowerment initiatives and the one-year report. I am happy for you to take this on notice, but have you looked at the two-year review? I am interested to have your view in relation to what is working and where there might be some improvements.

**Ms DENNIS:** We will take it on notice so that we can get back to you if need be, but I suppose the OCHRE reform is here now and what we have come from the Two Ways Together where it actually identified—the Auditor-General and the Ombudsman were quite critical about the specific outcomes that came through that. Really that is a steep learning curve.

How is OCHRE going to be measured? I notice that the State Government actually signed up with the Closing the Gap, which actually monitored and collected data of non-Indigenous in comparison with Indigenous around life expectancy, early intervention and things like that. Really how are we going to measure, monitor and report on, because it really needs to be transparent and the community need to be able to access that, in how it is going to be measured, monitored and reported against, and the outcomes. When we look at the assimilation policies, the protection policies and the child welfare policies there are lots of policies that government can use as an example. Let us learn from this and not make the same mistakes.

**The Hon. SARAH MITCHELL:** Do you think that the initiatives they have highlighted are going in the right direction but it is more about the detail of the reporting?

**Ms DENNIS:** Yes. Really when we look at OCHRE that came in 2011 really in 2013, so two years into it, as I say, like what is the evidence now? I think around that, opportunity and employment are all critical and important parts—education is a key but how do we monitor? How do we report? What are the key performance indicators in reaching those targets?

**CHAIR:** The Committee does not have clear records of where Stolen Generations' contact, engagement or directly being a forced removal and how that has impacted on incarceration, substance abuse, mental health, child protection issues. The Committee does not know because no information was kept. Do you have an opinion about whether government agencies should collect information to know when someone presents to them whether they may have suffered this trauma?

**Ms DENNIS:** Link-Up would probably be in a better position to be able to talk about that because this is something that they have worked with, Stolen Generations and families in trying to identify where families are. I suppose it is a reflection on government procedures over 200 years of not keeping records of Aboriginal people. But governments really need to be able to keep well documented reports to be able to share that with agencies. It might not be as in names but particularly around what needs to be addressed—confidentiality is important and critical but again the issues and strategies around solving and working towards how we address, and probably so that it is not repeated again, that that information is kept.

We find that States vary in how they record information, say in Queensland, South Australia, Victoria, New South Wales. You cannot get information of children in care and what is happening and how they are at addressing that but I think it is important that we do need to keep well documented records so that history does not repeat itself.

**CHAIR:** In the "Bringing them home" report was a collection of stories and the maintaining an archive of the records of what happened to people. Does that still go on? How much was done? Does there need to be of it going on so that we can track the trans-generational impacts?

**Ms DENNIS:** Really the collection of stories, and people telling their stories is another form of art and healing, and individuals how they work through that process. And even if they are stories that are handed down from grandparents, to parents, to kids, to grandchildren, like it can be used in the form of literacy and numeracy so it needs to be relevant. Like it is no good sharing a story—I suppose the individual would be the best person if they want to write their story and then keep it and not share it, but if people want to share that well then, like, it would go towards younger generations, and even myself, understanding part of our history really that was kept from us.

**CHAIR:** Are you aware this Committee has been to Cootamundra girls home and Kinchela Boys' Home and we will go to Bombaderry? At those two State institutions the Committee got the same response from people who were there that they want to preserve them as some sort of museums as a place where Indigenous and non-Indigenous people can go to get an understanding of what did happen and have them restored and for photos displayed. Would the land council support that idea?

**Ms DENNIS:** That is something that we do not do very well in sharing our history and the teaching of our history right across the schools. Until the "Bringing them home" report came out people really did not understand the period of the Stolen Generations, or really acknowledge that these atrocities happened to Aboriginal people until that document came out. Like our history is not taught and people still do not understand our history. Like constitutional recognition is something that we are still fighting for, particularly in the referendum in 1967 so it is not that long ago. There is definitely a need.

The institutions of Kinchela and also Cootamundra were where Aboriginal people were taken but really there was a lot more where Aboriginal people were removed from families. Like my aunty, her daughter was taken when she was 12. She was taken out on a property and she was not allowed to see her mother. When her daughter died at the age of 39 we could not even get her buried back in our home community. The last thing I heard my aunty was "she will never come home now." When we look at the Kinchela, Bombaderry and Cootamundra institutions, it was more widespread than that. And every community really dealt with this trauma. How is this history told in our communities? In Walgett in 1920 Harry Driver stood in front of the train so that

the train would not take his daughter Ruby Driver away. He never saw her again. There should be some commemorative history or plaque in communities where these things happened but that is not told; it is a secret country.

**Reverend the Hon. FRED NILE:** How do we establish how many people were involved in the Stolen Generations? How many were stolen. There would be children in those homes and then there would children who were taken and put on properties as domestic servants. Do you have a rough idea? Is it 10,000, 20,000, 30,000?

**Ms DENNIS:** If you are looking at a reparation tribunal, and there is names, like families will come forward. There need to be a process, a framework and a strategy put in place so people will come forward and talk or they will talk to Link-Up. Definitely I suppose through the Land Council membership, like we know of people and their stories, particularly about the mental illness and trauma that communities actually go through from how we work out there. I think the numbers will probably be far greater than our expectation.

**CHAIR:** We have had people that have spoken for the first time and we have had those experiences outside of the committee process.

**The Hon. COURTNEY HOUSSOS:** On the question of a tribunal, one of the things we have heard consistently is there is a strong sense of cynicism or distrust of Government and Government agencies from Aboriginal people. Do you have any suggestions about how we could work to ensure that people would still come forward to a tribunal, or something like that, to tell their stories when they do still have this distrust?

**Ms DENNIS:** You use the networks that are there such as the New South Wales Aboriginal Land Council—there are 120 local Aboriginal land councils—Link-Up and there are Aboriginal Health Services. It is through that community consultation that people are encouraged to share. If there is a framework and a structure that we can go through such as the education services that schools provide to students within school. We need to look at the cultural aspects of how we support our culture, our cultural identity and build that identity and self-esteem. For a long time we were put down and it was better not to be Aboriginal and it was better to be white. If you could say "I am not Aboriginal" you got along through the process. It is cultural identity and spiritual connection. Through the networks that have been established we can support that tribunal process.

**The Hon. SHAOQUETT MOSELMANE:** As you suggested earlier the tribunal would be made of Indigenous people and people from the Stolen Generations as well, so that aspect of distrust would be eliminated.

**Ms DENNIS:** Again, people need to share because when Government comes out into a community. In 1939 it identified the need for 600 to 700 houses for Aboriginal people, but the Government built 39 houses. When we look at community projects today Government will say we can do X amount but then it is only half the service or half the road fixed or half the water and sewerage fixed. That distrust is around the system and the system's failure, whether it is the education system, the juvenile justice system or the police system. It has built up over all the years we have been here.

**The Hon. NATASHA MACLAREN-JONES:** In relation to the land council's policy around stolen generation, if there is a proactive policy to work with communities—and we have had examples where people have talked about museums and different things—is there any policy or scope for land councils to look at ways they can do things in partnership with other organisations?

**Ms DENNIS:** The New South Wales Aboriginal Land Council, under the legislation, caters for and addresses the ability to be able to claim land, unused unneeded Crown land, for spirituality, social, cultural and economic purposes and also around the protection and promotion of culture and heritage. They are the fundamentals behind the legislation. It also says that the New South Wales Aboriginal Land Council will address poverty, sickness, health and education. If there is no Government funds how do you address all of these things? Even for funerals it costs a lot of money and the New South Wales Aboriginal Land Council social programs do not have funding for that.

The land council really is there to be able to unpack and work in partnership and be transparent so we have the mechanisms of the consultation within community through the local land council and then through the State land council and working with all Aboriginal people. There are structures and frameworks in place to be able to work with Government to address housing, education and many other issues that come up within

community. That is what we will be able to do in partnership with Government and working with other organisations to be able to deliver to all Aboriginal people in New South Wales.

**CHAIR:** It is a big job.

**Ms DENNIS:** It is.

**CHAIR:** Thank you for coming in and sharing with us. There might be questions on notice and any other information you provide is much appreciated.

**Ms DENNIS:** Thank you for the opportunity for the organisation to speak.

**(The witness withdrew)**

**MARY TERSZAK**, Community member, and

**DONNA MEEHAN**, Community member, sworn and examined:

**CHAIR:** Would you like to make an opening statement?

**Ms MEEHAN:** Thank you for the opportunity to appear and for listening to my story. I pay my respects to the traditional owners and elders and thank them for giving me permission to speak in this part of the country. I am a Gamilaroi woman and I believe in the strength, capacity and resilience of all Aboriginal people. Where does one start? The memories are so vivid and the heartache so strong. You think you are strong and that these stories belong to yesterday, but for us the Dreaming and the past are not passed. Just writing this has been so painful—tears mixed with sadness, anger and guilt. I have seen life through a veil of tears—the anguish of memories.

My birth mother had the worst life of all of us through no fault of her own for being black in her own country. The insanity of having her seven children removed in one swift scoop with no consultation, counselling or family support, just left to sit and die. When you remove children you are stabbing a mother's heart seven times 70. My siblings' names were Barry Welsh and James, or Widdy. Barry was nine, Widdy was seven, I was five, Robbie was four, Kevin was two, and Jane and Wayne—the twins—were six weeks old. We left Coonamble on 21 April 1960. We came through to Sydney, travelling all night. The boys were put on another train and Barry and Widdy went to Kinchela. The other siblings were fostered in different homes. I was the only one who went to Newcastle, where I arrived on 22 April 1960.

I remember being four years old in that last year at the camp—the Christmas, the circus, the birthdays. Then came the day when I was sent to Newcastle. The welfare department told my foster parents, "We have thousands of these kids. We don't care if they sleep in the roof." The welfare department did not give me counselling, so a five-year-old grew up believing that people at the camp sent me away because they did not want me. I was the only child in my new foster home—no siblings, no aunts and uncles, no grandparents. There was just the three of us in all of Australia. I had to live with the silence and spent 30 years being angry with all Aboriginal people just so that I could be assimilated.

The pressure to conform brought me to wanting to suicide at the age of 21. I never belonged anywhere. I was isolated, felt inferior, and did not feel good enough. I was not smart enough and was told I was ugly. The principal and classroom teacher in fifth class said to me in front of the whole class, "Why don't you darkies go back to the bush where you come from?" How many hundreds of eyes did I look into and see disappointment or rejection? My subservient mental model, all because I could not face another rejection again! No-one understands the pressure or fear of going back home to meet the mob and the thought of fear and rejection even from your own.

For years taking three showers a day because the white kids in primary school said I smelt. When I got married my husband said, "You don't have to have three showers a day. You don't smell." The welfare board lied to my birth mother's face, telling her they sent me to New Zealand. When I met her she said, "If I knew it was Newcastle I would have walked there to look for you." They told her the twins who were aged six weeks were on the train but, in fact, they were still in Coonamble Hospital. They were not fostered out until they were six months old—they could have been having breast milk all that time. Trying to keep my sister calm when she read that report from DOCS—she wanted to blow up the department.

I found out—I was now working in the Department of Education promoting the second Aboriginal education policy. I was there from 1993 to 2000. In the midst of those years, in 1999, I found out that Coonamble High School was using my mother's experience as a case study—in the very town she walked the streets insane with grief. Teachers were using her personal and confidential documents to teach history for more than four years without my people's knowledge or permission. To photocopy legal documents with each child's name and date of birth is absolutely appalling. I cannot tell you the rage I went into. Then the final act to cut my heart in two was not to get any assistance, apology or acknowledgement from the Privacy Commissioner was outrageous. They said it did not breach confidentiality. I was an erupting volcano.

We are told that we live in the lucky country, in the land of the free. Who are they talking about? Not us. We are told by the Minister for Education that the department takes racism seriously. How stupid do they

think we are? The act of exploiting our family was illegal and beyond belief. To see the documentation from the policeman where she had to sign, "I am unable to take proper care of any of the children set out and respectively request the application be applied." She signed a document—she did not even know what the words were—and yet the constable who had to witness it never signed it. If black fellas did this it would not hold up in a law of court, yet we are told that is a legal document. It is system's abuse and genocide.

Forty years on, I have survived but you never really feel complete in your birth family; you are different. Struggling to know your role as an aunt—if they only knew back home I think of Coonamble every day. I speak the words, "I am from Coonamble" every day. How I wish they knew my true heart. To survive I had to find my own reality. On the day of the national apology I wept all day. I was worried about my adoptive mum with dementia who had just gone into care three weeks before. I rang the nursing home and they had all the old people sitting around the television waiting for the apology. If she had a moment of clarity she would have had a heart attack. They were an innocent party just wanting to say thank you to Australia for taking them in after the war—mum was German and dad was Yugoslavian. None of us knew the truth and that is why the apology was so significant. Over the years I have cried for both my mothers' hearts but I do this today for Donna, the little girl who was still a stranger when she went home. Survival comes at a cost—the cost of living in the shadows, of being the voice for your parents, and of forgiving yourself because it was not your fault. Thank you.

**CHAIR:** Thank you, Donna. Aunty Mary, do you want to say something?

**Aunty MARY TERSZAK:** No.

**Ms MEEHAN:** I do not know if you want any other details.

**CHAIR:** Donna, I think some Committee members might like to ask you some questions. Are you okay with that?

**Ms MEEHAN:** Yes, that is okay.

**The Hon. SARAH MITCHELL:** Donna, thank you for being so honest with us. I think all of us were very moved by your story and find it very emotional to hear. It was not an easy thing to do for you to share your story so thank you. Are you able to tell us a bit more about whether you have been able to develop better relationships with your siblings? Have you been able to be in contact with all of them? Is there more of that story you would like to share with us?

**Ms MEEHAN:** I found them 23 years later. I met my mum when I was 27 or 28. We wrote to each other. I went back home the first couple of times usually for funerals. I was able to meet most of my aunties and uncles and all of my siblings. My grandparents had already passed. I asked Mum, "Why did you give me away?" She just looked at me with her big brown eyes and she said, "I don't know why they took you way." I thought, "Oh, she does know; she just doesn't want to tell me." She had no counselling and she wanted to suicide many times. But grandfather said, "One day those kids will come home." And, sure enough, one by one they did.

When you were 15 you could go to the welfare and they would put you on a train—you were supposed to go home and pretend like nothing had happened. But I was still angry at them, not knowing the truth, and so I did not go home until I was 28. I am fortunate that I could meet them. Yes, it was a culture shock. My life is in Newcastle. My mum was supposed to come and write the first chapter of my book but she died of a heart attack that week. It took me 13 years to write my story, and now it has gone all over the world. Healing takes a long time. I guess I have gotten closer to my siblings in maybe the last five or 10 years as we have all matured. But at first we were strangers—we were all adults. Like I said, I was in the camp until I was five.

I struggled with the role of being an aunty. I did not know when I was to speak up or to intervene because I had not had that modelled. I felt a lot of guilt. I felt a lot of guilt because I had survived, and guilt because my lifestyle is different. I have been home on no less than 20 occasions I suppose. My mum died and all my aunts and uncles have died. I said to my brother, "We've got to step up. We are the elders now." Over the years I have gotten healing because I have a strong faith. I have met the best and worst of both cultures—the best and worst of black and white people. I had a very supportive husband and so my story is unique. But I found writing this speech last night just immobilised me.

**The Hon. SHAOQUETT MOSELMANE:** Apart from the support of your husband, what other support did you get and from whom?

**Ms MEEHAN:** My adoptive parents were beautiful. They came out after the war for a new start. You can imagine in the 1960s how they were treated, being German. So they would say to me, "Be proud of your people. They are the first owners of this land. We are just the new Australians." But somehow when I got to the school gate I was alone. I thought, "They are just saying that because they are my parents." My adoptive mum is 96. I lost my birth mother when she was 52, and I have lost my birth dad and my adoptive dad. My main support was my mum and dad. Like I said, there was just three of us in all Australia. I think they really understood racism, prejudice and ignorance. My German mum has such a passion for loyalty—she said, "Always be loyal to your family"—and justice. That is what I grew up with. I had to change churches quite a few times to find a church that accepted me and loved me.

**The Hon. NATASHA MACLAREN-JONES:** What were the experiences of your brothers and sisters like?

**Ms MEEHAN:** Horrific. My story is mild compared to theirs. They were put into foster homes. At the Kinchela Boys' Home there was sexual abuse. They were strapped and flogged. They went to bed without food. Mum always wanted the twins to stay together but they were split up when they were 13. Jane was sent to a girl's home. The others were fostered. Robbie went to Bomaderry. He was sent back four or five times. When you get sent back to an institution in those formative years, from the ages of five to eight, you think, "What is wrong with me if I can't stay in a family?" So your whole world view and your perception of yourself and your place in that world is totally distorted. I think all my siblings drink. They have tried to find comfort in substance abuse and nearly destroying themselves.

**CHAIR:** Donna, was there support made available through Link-Up or any of those organisations for reunions?

**Ms MEEHAN:** I knew that they were there. I used to be a radio producer and so I knew the service was there, but I just kept walking mile after mile on my own. I did know they were coming to Wollotuka in Newcastle in 1988 but I was already three or four years into writing my book. I thought, "The pen is mightier than the sword and my story will get out; people will hear my story." So I had not felt that I needed to go there. I have certainly referred other people in our Aboriginal community to Link-Up. But I did my journey solo.

**CHAIR:** Your connection and being able to trace where your family was, did that happen because you sought it out? I am sorry but I missed that bit in your story.

**Ms MEEHAN:** That is okay—I did not mention it. I was still angry at them at the age of 28. I did not ever want to find them because I believed in my heart that they did not want me. I went to a ladies meeting in Toronto, where I now live. It was a Christian ladies meeting. There was one Aboriginal lady there. We had to sign in and I looked at her name and I thought, "She has the same name as my birth mother." But I thought she was a big woman. Then I thought maybe when you are five everything looks big. So I went up to her in the morning tea break. She said, "What is your name?" I said, "Donna". She said, "Where are you from?" I said, "Newcastle." She said, "No, I am meaning where are you really from? Where were you born?" I said, "Coonamble." She just smiled at me and said, "Donna, your mother is my aunty and we have been looking for you everywhere." I was not looking for them; I would never have gone searching for them because of my belief. They were just living five kilometres down the road, and that is how I found them.

**The Hon. BEN FRANKLIN:** Donna, how do you and your brothers and sisters feel about your relationship with Coonamble now? Do you feel it is your country?

**Ms MEEHAN:** It is home, yes. Mum used to live in 3 Broad Street and so that is where we would go. She was the best singer in the west; nobody could beat her on *Talent Quest*. There is one lady here who knew mum and she will verify that is true. We would have singalongs in the backyard, around the campfire. She played the piano-accordion and had a magnificent voice. She was to open the first Sydney entertainment area, but she said, "I'm not going to the city; you get someone else." They wanted her to sing before the Queen, but she said no. It was home and when mum died I wondered if we could get that as it was the central meeting point for our family. But under Native Title they said, "No, you left and you don't have a continuing connection." I said, "I wouldn't have left if you hadn't taken me."

You cannot beat the law. Coonamble is home. We buried mum. Barry has gone and Jane has gone. Cousin Tibby has gone. My brother Robbie and Darley have gone, so I have lost five. I am a Gamilaroi woman and I think the older you get, the more Aboriginal you get. You need to know those roots. I text my nieces nearly every night. There are other young ones and they say, "You're uptown, you're flash," so you are still getting rejected. But because my lifestyle is different, they do not understand it.

**Reverend the Hon. FRED NILE:** Donna, you mentioned the education department. Despite all the problems you have had, you were able to make a new life. Were you employed there?

**Ms MEEHAN:** Yes. When mum died, that urgency of having to know my mob and culture, so I went to uni. Then I worked for the Awabakal co-op for six years—absolutely loved it. It was as if I was on a mission; I had to pay back for all the wasted years when I did not identify, when you know you are Aboriginal but. I worked at Awabakal and then seven years at Education, the Aboriginal community liaison officer. I had to sell education to our mob, particularly if they were at the hostels because the kids would do well and then they would go home to Lightening Ridge, Walgett, Brewarrina and drop out. The pressure from the community was so great: "You'll never get a job." "Why get educated? There's no jobs for blackfellas."

I was selling education, and in the middle of that this episode happened. Then I did nine years at DOCS, in Partnerships and Planning funding Indigenous organisations. Now I have been four years in Health as the hospital liaison officer. That is where I see our outpatients every day. They fly in from all around the State and the first thing is, "Where's your mob from? Who are you? What's your name?" I say, "I am the Welsh family from Coonamble." The more I studied about disadvantage and poverty, the more the fire burned in my belly to promote my people. I had seven years radio producing, the local Aboriginal radio program. Now for a year I have been doing an Aboriginal Christian program on Rhema and promoting our pastors around the nation. We have a lot to be proud about, that we can survive despite a system.

**Reverend the Hon. FRED NILE:** Your prayers are for the Aboriginal people.

**Ms MEEHAN:** Definitely.

**The Hon. NATASHA MACLAREN-JONES:** Aunty Mary, would you like to tell your story?

**Aunty MARY TERSZAK:** I am from Nyoongah country, the south west of Western Australia. I was born on the Moore River Native Settlement. From there I went to another mission, called Carrolup mission. Then I was taken as a two-year-old to Sister Kate's children's home as an orphan. They told us we were orphans and we had to be grateful for being there. They said we did not have parents and so we were there. They also told our parents we were dead. We lived a life like that, not knowing who we are or what we are doing. I hated being Aboriginal; we all wanted to wash it off because of the shame of it. People ridiculed us because we were Aboriginal. We were white in the home; they told us we were white in the orphanage. Step out of the orphanage onto the hot, burning sand and into the school ground and we were niggers. As little ones we did not quite understand who we were or why we are different.

I stayed in the orphanage for 18 years; I was 20 when I left. I went to school with everybody else, but it is like Donna said: You are still rejected; you do not feel comfortable because you are not in a world that belongs to us, as we thought, but it does not. Your feet do not sit in the black world, and they do not sit in the white world. You are in between. Family think we are different, when you meet up with the mob that is supposed to be your own family. You are rejected; you are called a "coconut" because you are a bit fairer and you dress different and talk different. I mentioned to one of the family members that, "I can't help that. You had culture, we had nothing." We could not go home. To this day I have never said "mum"—never. I hear my children call me mum, and that is the best gift that I have been given out of all of this garbage. You never get over anything—never. I am 73, coming on 74, and it still hurts. You walk around broken.

In 2000, because I was so mixed up, I was driving my children mad. I did not know where I wanted to be. But in 1988, the Bicentenary, we were allowed to collect our Native Welfare papers. We all applied for our Native Welfare papers, some 46 years later, to find out who we are. In those papers, it is horrific what they write, how they follow our people and say whatever they want to say and whether they have the right to marry—we will have to check that out, as for the rations. I go through these papers of my mother and father and you get blown away with the fact of how it can happen to just one race of people, all this nonsense because you are Aboriginal and you have to be monitored. It was 1988, as I said, that I got my papers and found out who my father was and who my mother was.

When I was nearly turning 50, I went home to Perth with my children. Prior to going home I took away their identity. I did not want them to be known as Aboriginal, not because I was frightened they were going to be taken. It was: How do they defend themselves by themselves? I would have to go up to school and belt everybody if they ever said anything to my children, like I did when I was at school. I belted everybody. We followed them around the school for their apple cores and crusts of bread because we were hungry. If they did not give us the food they got a hiding. We did not understand that that was a form of bullying; we just understood that we needed to eat. We needed to do it somehow. Meals in the institution were, I suppose, the best they could do at the time, but they were disgusting and we did not like it. If you did not eat the meals you had to go hungry. One might ask, "Why did you stay there so long?" Where do you go? What do you do? Do you go out into the world on your own? You would cop racism from Aboriginal people as well when you went out by yourself.

I felt the rejection all my life. I have been rejected since I was two. In 2000 I decided, "I have to do something; I'm going nuts. I have to identify. I know I am Aboriginal. I look Aboriginal; I can't change that." I did not want to tell people. They asked me, "Where do you come from?" I said, "Australia." "But you come from somewhere else." I said, "No, I don't. I come from Australia." It is none of their business. I thought I would go home to Noongar land. My feet just feel so good on my own country. I felt safe. I went to Curtin University to do my studies and to find out who my people are and how I can belong to somebody. I needed to belong. I did my studies at Curtin University. It was lovely; I had Aboriginal teachers. It was just so different to the other system. I do not mean to be racist but in the white system I was told I was white when I was not. I was programed to believe all that.

We were brainwashed to say that we were white and we were told not to go near the vagrants—the Aboriginal people—because they were not very nice. So, of course, we all ran when we saw Aboriginal people. We were told, "Don't go near those people; they are not nice." So we would be panicking, hearts thumping, because these Aboriginal people were in the park where we had to go. I thought, "Oh dear, how can I hide it?" I found out, I think it was when I was 16, that I was Aboriginal. There was a job. I did shorthand typing. I did not know I had a scholarship; I did not even know that I was that good a pupil at high school. I went to Stotts Business College in Perth and did my shorthand-typing and got some good jobs in lawyers' offices doing up the warrants and taking them across to the court. Every morning at 10 o'clock, crossing over the Beaufort Street Bridge, the Aboriginal people would be sitting there and they would say, "Hey!" I would shake. I would have stilettos on and I would nearly break them. They would say, "Who do you think you are? You're no different to us."

I liked the job but I did not like what I was doing because at 10 o'clock every day I was petrified to have to walk past these people, not even knowing whether they were my mother, my father or anybody. I just knew they were not nice people. So it took me a while—until I went to Curtin University. Prior to that, I met the "old girl". I am sorry to say it that way but that is how it has always been. I met her. I took the children over. Kim had an idea. She said that she used to hear me crying because I was Aboriginal. She said, "I was eight when I heard you crying and saying that you did not want to be Aboriginal." I thought, "I haven't told my son." He was 10. I did not know how to tell him. I said, "Son, you know we are going to Perth, where mummy comes from." He said, "Yeah, I know." I said, "Well, we're going to meet different people." "All right." I said, "Mummy has brown skin." "Yeah, all right." My daughter was getting frustrated but I was thinking, "How do I tell him anything?" So I said, "Mummy's nose is a bit different, isn't it?" "Oh," he said. He was getting wild and I said, "We're Aboriginal." He walked out the door. I said, "Now what have I done? Look what I've done to him." My daughter said, "It's what you've done. You should have just told him." I said, "But it is hard for me to say that word—hard!"

So we met the old girl. It was the worst day of my life. It was the worst day. I was hoping the ground would open up and swallow me. I met this little, old, dark lady—Indian-Aboriginal. She had no teeth. She had a plaster on her leg, her hair in a ponytail, big glasses on, and she was just staring at me. I felt like telling her to stop staring, that I did not like her, because the two-year-old child was looking for something else. My two-year-old child's thoughts were of a woman I just could not hug. I could not do anything. She said, "I haven't seen you in a long time." I said, "No." I was nasty. I thought, "I just don't want to be here." She passed on five years ago. I asked her what the two years of my life were like. She couldn't tell me. My father left because, he says, she had an affair with a white man. He was not my dad. So I have been hunting for my dad. There was a man I though was my dad—he passed away a year ago—because he was my mother's boyfriend when they were in the Carrolup mission. So I still do not know who my father is properly. This man is on my birth certificate but he claims that he is not my father.

I have been in touch with the brothers from there and they do not tell me anything either. I say, "Is that really my dad?" and they just want me to leave it at that. I do not know how old you have got to be to find out where you belong and when you will feel comfortable in yourself. You will never feel comfortable. You walk around crippled in everyday life. As I said, the only time I can be me is when I go home to Perth but financially I cannot do that all the time. That is upsetting because I miss home. That is how it is. When I went to university I did my studies. I did a degree. I then did my honours. I then did my masters. Out of the masters I was able to write this book, "Orphaned by the Colour of my Skin." It is not published anymore. I do not know what happened to the publisher. He did not print any more. People are wanting it for parts of their studies but it is not available. He has handed it over. I did not have much contact with him about anything. Someone said, "Did you get paid?" I said, "No." But he sold books so I do not know what he has done.

So we are going to alter the book and make it mine. I can do what I want to do with it. It gave me a lot of insight into who I am. At 16, when there was a job advertised, I went down to the superintendent's office in the orphanage and I said, "There is this job—junior stenographer." He got on the phone but he came out and said, "You didn't get the job." I said, "Why did you tell them I am part Aboriginal?" He said, "So they don't get a fright when you walk in." I thought, "Oh, what's wrong with me?" From that day on I have never felt comfortable with myself. Never. I asked my children if I could have an operation on my face. They said, "What for?" I said, "So that I can look better." That did not happen. When I was nine years old I got a dog tag to give me the right to walk in the street. That is pretty disgusting. We have a letter of confirmation to tell people who we are. Does every other race do what we have to do? Then you are still criticised for who you are.

I could slap people when they tell us to move forward. They have no idea what it feels like to live in a country that we think belongs to us and to be told to move on, to get over it. How do you get over it? We lost all celebrations. We lost everything. We lost the love of a mother. I never had a father's hug. We have to live with that. We live with it every day. We cannot erase it. It happened. It has nothing to do with people of today. No-one expects anyone to feel guilty or ashamed or anything to us. It was then; this is now. We try and move on and share our stories in the hope that people understand that it is a fact. We walk in these shoes every day, hurting. I always said I should wear a burqa so that no-one sees my face. That is how it is.

**CHAIR:** Aunty Mary, I am sorry but we have gone over time.

**Aunty MARY TERSZAK:** Sorry.

**The Hon. NATASHA MACLAREN-JONES:** Not at all.

**CHAIR:** Thank you for coming along and presenting. We appreciate you giving us insight into your life story. We are really sorry.

**Aunty MARY TERSZAK:** Going to Sister Kate's was going to be a better life for me. At the age of 11 I was locked in the Home of the Good Shepherd reformatory to iron all day to the sound of the rosary. You had to be off the veranda at half past seven. I was locked up in an all-girls environment. Being the youngest child in that dreadful place was the worst scenario for me. I did not know. A girl hugged me. I thought it was the best thing, and it was not.

**CHAIR:** Thank you both for coming along and sharing with us. It means a lot to all of us. We know that this is a really important inquiry. Today has been a very big day. The Committee has heard a lot of information. We are getting a strong sense of the importance of making changes happen and of delivering support to people, of listening and helping to provide the healing that is needed. Thank you for your contribution.

**Aunty MARY TERSZAK:** Thank you.

**Ms MEEHAN:** Thank you for hearing our story.

**(The witnesses withdrew)**

**PAULETTE WHITTON**, Community member, affirmed and examined, and

**TIFFANY MCCOMSEY**, Chief Executive Officer, Kinchela Boys Home Aboriginal Corporation, on former oath:

**CHAIR:** Paulette, thanks for coming along. I understand your parents are with you.

**Ms WHITTON:** Yes, my dad, Paul, and my mum, Gloria. Tiffany McComsey, from Kinchela Boys Home Aboriginal Corporation, is also here.

**CHAIR:** We know Tiffany. We have met before.

**Ms WHITTON:** I am sure you know her very well.

**CHAIR:** Would you like to make a presentation?

**Ms WHITTON:** Oh dear. The ladies before me had very painful stories.

**CHAIR:** We have had a full day of it, so we are feeling fragile as well. A few tears have been shed today.

**Ms WHITTON:** I do not know whether the previous witnesses realise but I worked with Aunty Mary years ago at Australia Post and Donna and I have a Kinchela connection as well. It has been only in recent years that I have been able to state where part of my family comes from. Both my parents are Aboriginal. On my mum's side we come from the Yuwaalaraay people, in north-western New South Wales and over the Queensland border. I am not sure about the other side of our mob, but they are from somewhere in Queensland. Dad's mob is the Gamilaroi people, also from the north-west of New South Wales.

I am a self-confessed Kinchela kid. I am the daughter of a Kinchela Boys Home [KBH] man. My dad, Paul, was known as number 31 in Kinchela Boys Home—and his twin as number 32—but I know him as "Dad" or "Paul". That number has never been a strong connection for me but I know it is something that Dad will never forget. I grew up with a strong connection to my mum's people. She used to take us back home to Goodooga every year or more. So we have a really strong connection to Mum's mob but we have very little connection to my father's people because of him being taken from the family and placed in Kinchela Boys Home from 1949 to 1958—quite an extensive part of his childhood.

I have had an extensive media career as well, but now through my work they have a memorandum of understanding and a partnership with Kinchela Boys Home Aboriginal Corporation, so that enables me to work closely with the KBH family as well. So I live and breathe KBH in many ways. Through my work with Kinchela Boys Home I am assisting in the documentation of the genealogy of Kinchela men and helping to connect the men to their families, their country and their communities. Through that role I am also a volunteer coordinator of the descendants of Kinchela Boys Home men. We are trying to connect the kids and the grandchildren of the men who were in KBH from 1924 to 1970 and engage them in the work of Kinchela Boys Home Aboriginal Corporation and also assist with their healing and trauma.

When I grew up I knew Dad was a KBH man but I did not really know what that meant, I guess, other than it was a home for the boys taken from their family. He would tell us the same few stories over the years but he hid other things that he did not want us to know about. He would tell us about the boys being pushed down the line. The boys had to hit each other—everyone was being punished and if they did not hit hard enough they had to do it again. My dad also experienced that several times himself through his time there. He told us a few other yarns as well.

When I was growing up we would see Dad meeting up with a KBH man, but that was about the extent of it. Some of the things I experienced as a child of a KBH man were that Dad's idea of discipline was, I guess, pretty harsh. I had a bit of a hiding there one time that was a little bit more than a slap on the bottom. Dad had alcohol issues and I had a childhood of pulling him out of pubs all the time. I was the eldest child and Mum was raising another kid, really, so—I do not like to say this to put my dad down, but I grew up with very little respect for him as my father. He was there physically but not emotionally. He was not looking out for me like a dad should.

He had no idea how to parent. He was like an absent parent even though he was there. I could see the difference, because Mum was always there. I learnt that Mum would do anything she could to care for us. I was angry at Dad for pretty much all my young life. I said I hated him and that 2002 was a turning point. That turning point was when the first reunion was held for the Kinchela Boys Home men. I came to understand that there were other families like us and I came to understand that it was not Dad's fault. I started to understand why he was like he was. Since that day to this I think our relationship has got much better. Over the years he has even trusted me with information and stories that he did not want us to know.

He was always a hard worker, but I describe the experience of being a Kinchela kid as being a boiled egg with the inside of the egg spooned out—you took their family away, you took their country away from them, you took their culture, their language and their identity. Then you gave them a number, you gave them hidings and abuse and then Kinchela and the authorities gave us, as a family, the empty shell. KBH taught them nothing—no life skills—but taught them violence and abuse. They did not know how to live; they did not know how to parent. My dad tells the story that one time at a job he was paid by cheque and he said, "I want my money." The boss said, "That's your money." He reckoned, "That's not money; that's paper." He did not know what a cheque was or how to handle money or anything like that. They did not teach them anything.

That is all I wanted to say in regard to my story, but if anything comes out of this inquiry I think it should be to support organisations like KBH Aboriginal Corporation that are set up to try to reconnect our uncles—I call them my uncles because they are like my uncles. A lot of them are out there with their kids not knowing their stories, kids not understanding why their lives have turned out the way they have with their fathers, grandfathers or uncles. Bomaderry is just starting up its own corporation. KBH is trying to set up a healing centre.

I do the family history. While he was in the home my dad did not know that he had sisters. He thought the only family that he had was his twin brother who grew up in the home with him. Eventually they found out that they had two sisters and they met, but the bonds were broken. They were not able to form those bonds of brothers and sisters—it was too late. There was too much water under the bridge and there were too many issues. I knew them throughout my lifetime—they are all gone now except my dad—but they did not feel like aunties and uncles to me. It was just like a thread.

One of my aunties was in Cootamundra. She would pass through Sydney not even dropping in to see us or anything like that. In a normal brother-sister relationship you call on each other or stay in touch, but that was not the case. We just knew who they were and that was it. As the next generation my cousins and I are trying to establish some sort of relationship, but with most of them it is very difficult. There are some we have a little bit of a relationship with but it would have been better if we had all grown up together and still had those bonds.

As part of my family history, because I am just mad on knowing who I am and where our mob is from, I have accessed the archives and historical documents. I have borne the copy costs of those. Those records should be free for members of the Stolen Generations and their families to access. They should also be housed in the Aboriginal community for the KBH mob. These are our records. I went in there and I found letters written in my grandmother's handwriting at the bottom of an extensive file. I cannot tell you how wild I got when I saw that—that it was there, kept from us all those years. Until then she was just a woman in a photograph. Now, all of a sudden, she was alive, she had feelings and she could read and write. Then later on we found out she was taken too. We still do not know the circumstances of that, so it is generation after generation.

I think one of the other recommendations that I would like to come out of the inquiry is monetary compensation. No amount of money can make up for what we lost but things like a place to belong. My dad does not have any place to belong. Mum can take us to Goodooga where she is from but dad cannot take us anywhere except Kinchela Boys Home. Even though his mob is from the Gamilaroi mob around Coonabrabran it does not feel like home. They are ageing as well this mob. They were little boys when they were taken but they are ageing. We need some sort of Aboriginal retirement village, something like a nursing home. We have the biggest Aboriginal population in Sydney and of Aboriginal people in the country and we do not have an Aboriginal-focused culturally appropriate nursing home. We found that out when we were looking for a place for my dad's twin brother yet we have one up at Kempsey and we have one at Nowra.

Us kids of Stolen Generations members need to find our way home as well. We need community re-connection and access to our language and country. I did not say it in the beginning but I should have said, "Yaama". It is probably the only word I know in the Gamilaroi language and I only know specks from mum's

side as well. I also should acknowledge the traditional owners too, which I forgot to do at the start. That is nerves, sorry.

**The Hon. SHAOQUETT MOSELMANE:** What does "Yaama" mean?

**Ms WHITTON:** "Yaama" means hello or welcome in the Gamilaroi language. Another thing is that I am wearing the Sorry Day T-shirt. I used to emcee the event quite a lot when the New South Wales Sorry Day Committee was in operation but last year two of us descendants were looking for a Sorry Day event and there was nothing. Do not let 26 May, Sorry Day, die in favour of the apology in February. Sorry Day is the day that the "Bringing them home" report was released. We need to make sure that that date is not forgotten and that we commemorate that day every year. Please make funding available. I know that there is not a New South Wales body anymore but surely something can be done.

We have to stop taking kids away. Our kids are now still in the highest proportion of out-of-home care. There are different reasons they are being taken away. My first cousin's three kids were taken off her and it took them 15 years to find us as their first cousin to even look at kinship care. That should not be happening. I know KARI has taken this option but they have opened a family history unit as well so they can put together family trees for those kids who are in care so they do not lose total disconnection to their mob. Better resources need to be in place for family kinship placement as well. That is about all I have to say. Thank you. Sorry for the tears.

**CHAIR:** Do not say sorry. We are sorry.

**Ms WHITTON:** It just indicates that this has not just happened to my dad, to those ladies before and to everybody you have heard from. The transgenerational trauma is extensive.

**CHAIR:** We are hearing a lot of evidence and very different stories but you are the first witness who is actually a child of a—

**Reverend the Hon. FRED NILE:** A first descendant.

**CHAIR:** A first descendant, yes, so there might be questions from some members. Are you able to take some questions?

**Ms WHITTON:** Yes, sure.

**The Hon. NATASHA MACLAREN-JONES:** Thank you very much for coming today. I understand that you do some work with support from other members of Kinchela Boys Home. Could you outline some of the work that you do?

**Ms WHITTON:** At the moment my skills in trying to keep the men connected from the media's point of view is producing a regular newsletter for the corporation; that is one part. Another part that I am actually involved with now is trying to find family history for some of the men. I have three, I think, on the boil at the moment. One we have to deliver some bad news to. I am chasing one through records and talking to local community members to find out as much information about their family as possible because they were taken from their family from far north-west New South Wales and placed in Kinchela, then chucked out to work on properties and never saw his family again; never met any family members again even though he had another brother in there with him as well. I am trying to find their family. They figure that they are all alone but actually we found that they are not and we do have some nieces and nephews that are still living. He never had any children because of what happened to him, I imagine, so genealogy is a big part of the work I am doing as well.

**CHAIR:** You are finding difficulties in accessing information, is that with you are saying?

**Ms WHITTON:** I am, because with the cost of getting birth certificates and that sort of thing, and who is going to bear the cost of trying to negotiate plans with people like Births, Deaths and Marriages and maybe even forming relationships with Link-Up and that as well so that we can try to find these documents and give these people their history.

**CHAIR:** I understood that there was meant to be waiving of fees for Stolen Generations document access, is that not the case?

**Dr McCOMSEY:** There is not a cost with family records and Aboriginal Affairs. A person can apply for that free of cost but that only has the welfare protection records so any other information, a person has to search for those and there can be a cost associated with those documents.

**CHAIR:** There is a waiving fees for access to Department of Aboriginal Affairs [DAA] and family records but the minute that it then goes into wanting other records, Births, Deaths and Marriages, there is a fee involved even though they are related to the same issue, so that is an obvious flaw in the process. Are there other similar things where there is hardship in getting information needed to support people?

**Dr McCOMSEY:** I think location of records; some of it is at the Australian Institute of Aboriginal and Torres Strait Islander Studies [AIATSIS] in Canberra and unless a person can travel there to actually go through it with a researcher because information comes out that helps the researcher locate more information than they might do otherwise, it is another cost. How do you get the person there?

**CHAIR:** There is no fund that supports people for travel that is necessary to undertake this work, so that is another issue. We are coming across these practical issues of trying to fulfil the outcomes so if you think of any more, please pass them on. Do you have anything further, Ms Whitton?

**Ms WHITTON:** The only other thing I can think of at this moment—my thoughts have been all over the place for the last day in a half at the prospect of doing this—but we do have one case where we have to deliver some bad news and there are issues around re-connections and actual reunions because one side of the family has actually had their one reunion done so we are facing things like that as well with the limitations of reunions.

**Dr McCOMSEY:** That gets back to the Link-Ups and the relationships interstate and which side of the family might approach a Link-Up in South Australia, which does it through New South Wales, and then having the two Link-Ups actually work together to still support families having a reunion even though one has been done. It is a constant source of anxiety.

**CHAIR:** Has anyone written about the complexities and difficulties?

**Dr McCOMSEY:** There is a national Link-Up network of all the Link-Up providers and I am pretty sure that over the years this has always been an issue and it always gets reported to—it was Office of Aboriginal and Torres Strait Islander Health [OATSIH] and now it is Prime Minister and Cabinet—that more resources need to be invested.

**CHAIR:** Certainly we will take on notice any documentation or information that comes to light about the complexities and problems that operate beyond New South Wales for anyone who was born in New South Wales and has left or was taken away. If we could have that information that would be terrific. It certainly helps in formulating recommendations to try to improve the situation.

**Reverend the Hon. FRED NILE:** It is very good that, as a descendant, you are helping the Kinchela Boys' Home Aboriginal Corporation.

**Ms WHITTON:** Thank you.

**Reverend the Hon. FRED NILE:** That is really good. Obviously they are backing to do it themselves now because of their age.

**Ms WHITTON:** The organisation that I work for is a partner with Kinchela Boys' Home, and they are trying to help KBH become a self-determining body. Through this work I have had a satisfying media career, but this is possibly even more satisfying and very personal for me as well. It really tugs at the heart strings, but I live with it 24/7, I guess.

**Reverend the Hon. FRED NILE:** Thank you.

**Ms WHITTON:** Thank you.

**Dr McCOMSEY:** Might I say as well—you were asking what Paulette does with us—a big part is the gatherings that we hold. It has happened recently, which is why it is at the top of my mind, but as a descendant

when there are other descendants who are present at those gatherings who do not have a close relationship with the uncles as Paulette does, it is seeing someone who, as a descendant, has a common experience but is going through it for the first time. At this gathering it was another daughter of one of the uncles. It was the first time she had gone back to Kinchela. She had heard about it, knew about it, but never faced going there. Paulette was able to support her through that journey. It is not something that necessarily a caseworker or some other person, even myself, could help with. It is the lived experienced. Paulette is a linchpin. I cannot speak more highly of her. It is not just some skill about being a genealogist. This is a living way to create connections and recreate connections that have been lost.

**The Hon. COURTNEY HOUSSOS:** It is another insight for us about the value of the communal healing. We keep hearing about the value and it is that insight that I will take away from today. Thank you so much for sharing with us that the communal healing does not happen with the generation of those who were taken but of those who come afterwards. Thank you so much for that.

**Ms WHITTON:** Thank you. I did forget about that. It happened by accident. I have started to have a peer support network in a way. I am not a trained counsellor or anything, but I can go from my own experience and I think I have been put on this earth to serve a purpose. I went to the 2002 reunion as a media representative doing two radio documentaries and having this personal journey as well, so it has been—is the word cathartic? Yes, it has been a really big experience for me. It is a privilege to try to organise and find them.

We still have to find men. There are still men out there; we do not know where they are. We are finding them constantly and we are finding their children and grandchildren. Some want to have something to do with the organisation, some do not because it is too traumatic. Some of the men will not go back to the site, some will. They find substance abuse ways to deal with the memories. There is lots of complicated stuff. We are working against the clock. These men are not young anymore. The youngest are in their fifties. My dad is 74. We are running against the clock.

**Reverend the Hon. FRED NILE:** What years was your father there?

**Ms WHITTON:** It was 1949 to 1958. He was in homes before that. He was charged as being neglected, so if he was neglected, the homes before that must have been neglecting him. It is ridiculous. His mother passed away. I guess she was paying for them to be in these homes because she was trying to work and look after them as well, and when she died the money stopped so they said they would be better off at Kinchela Boys' Home. Yeah, better off! If I could see those people, I do not know what I would do.

**CHAIR:** You are aware that we visited?

**Ms WHITTON:** Yes.

**CHAIR:** That was a really moving experience. Hearing your story today has added another element to our inquiry to gain a broader understanding of what is involved. Any additional information that you are able to provide or if you think of something that you would have liked to have said, please feel free to come forward and do that.

**Ms WHITTON:** One thing I want to mention is the partners. The partners' stories have not been heard yet. A lot of partners have not been able to stick around with their men because of all the traumatic issues and stuff that they have not dealt with. Then there are other strong women who have put themselves through the wringer, like my mum, to stay. There are those relationships. They need to be heard as well. It is not only the men and women who were the Stolen Generations, but the generations that come after and their partners who also need to have some form of compensation for what they have been through. There are has been very little access to counselling. A lot of the men find it very difficult to think about counselling, because it is a "white fellas" thing. They find support in each other but I think they need to go beyond that as well. That is my feeling. Yes, I think there is a whole heap of support that needs to be out there for them and our generations.

**Reverend the Hon. FRED NILE:** Do you support the idea that the boys home should become some historical record place where there are photographs and videos of what happened or is it better to forget it?

**The Hon. SHAOQUETT MOSELMANE:** Like a museum of some form.

**Ms WHITTON:** KBHAC is working on plans to have a working museum on the site and a healing centre outside in another area as well for the families and men. That is part of what they are trying to achieve, but, again, money and all the rest that comes with it—KBH is so underresourced it is not funny. Until this time we have been operating on a smelly rag. This lady is the chief executive officer but she is also the receptionist; she does the waitressing and cooking. We need a lot more resources. I am coordinating the descendants as a volunteer. I am managing a Facebook page so we can try to find some of the kids and update them with information on things like this, and anything else of relevance. Trying to find them and then to encourage them to become part of it— kids of Kinchela men. Some cannot deal with it, whilst others can. I hope I have not said that out of turn.

**Dr McCOMSEY:** Part of the museum, the actual structuring of these spaces, because they need to be safe spaces, has resulted from Paulette and others, where accessing the records for the first time was really traumatic, and how we can keep that safe. We have Kinchela family members who have gone through that journey who could be working there to provide the support and walk them through that process.

**Ms WHITTON:** Yes, a museum at the Kinchela site is really important, to have videos, photographs and records available in a safe space. I would have been more comfortable going in there, on reflection, but I had to deal with the system at the time, and run by our people as well, our kids and that.

**CHAIR:** Thank you so much for coming along and thank you to your parents for being here with you. It is great seeing you again, Tiffany. You took questions on notice so you will be contacted by the secretariat who will provide you with information and transcripts so that you are aware of whatever question was asked so you can provide further information. As I said, anything you can think of, feel free to send it to us. We have run a bit over time. We have had a big day.

**Ms WHITTON:** I am sure it has been a big day for you all. Thank you very much.

**(The witnesses withdrew)**

**The Committee adjourned at 4.47 p.m.**