

CORRECTED

REPORT OF PROCEEDINGS BEFORE

GENERAL PURPOSE STANDING COMMITTEE NO. 3

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

At Sydney on Wednesday 10 February.2016

The Committee met at 9.30 a.m.

PRESENT

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

CHAIR: Welcome to the sixth hearing of the General Standing Committee No. 3 of the Inquiry into Reparations for the Stolen Generations in New South Wales. I acknowledge the Gadigal people, who are the traditional custodians of this land. I pay my respect to Elders past and present of the Eora Nation 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 encourage people to come forward to share their story. The closing date for submissions has been extended until 10 March so if anyone is interested, or knows of anyone who is interested, we encourage you to make a submission and to speak to the secretariat about obtaining information for that purpose. To date, the Committee has had five hearings: two in Sydney and one each in Wagga Wagga, Kempsey and Grafton. In addition to today's hearing, hearings will be held on 17 February in Broken Hill, on 18 February in Walgett and on 2 March in Nowra. Today we will hear from a number of witnesses including legal centres, the New South Wales Reconciliation Council, representatives from Metro Local Aboriginal Land Council and community members.

Before we commence I will make some brief comments about the inquiry and procedures for today's hearing. 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 they must take responsibility for what they 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 they may make to the media or to others after they complete their evidence as such comments would not be protected by parliamentary privilege. If they have any queries the guidelines are available from secretariat staff.

There may be some questions that a witness could only answer if they had additional information. In those 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. Please put their mobile phones to silent or turn them off.

CORRECTED

DIXIE LINK-GORDON, Senior Community Access Officer, Indigenous Women's Legal Program, Women's Legal Services NSW, sworn and examined, and

MELISSA O'DONNELL, Solicitor, Civil Law Division, Port Macquarie Regional Office, Legal Aid NSW, and

ANTHONY LEVIN, Solicitor, Human Rights Team, Civil Law Division, Central Sydney Office, Legal Aid NSW, affirmed and examined:

CHAIR: Do you want to make an opening statement?

Ms LINK-GORDON: My role at Women's Legal is Senior Community Access Officer and with that Women's Legal operates across the State of New South Wales. The matters in regards to stolen generations that come before us is often grandmothers trying to get back care of their grandchildren. These are very challenging and they are really sad situations because a lot of these grandmothers themselves have been directly impacted by the stolen generation. They had been removed, and during their own years of parenting and becoming the best parent they can be, without a lot of support at all, it in turn is now with grandchildren who are so detached from their families being removed, you have got parents who are just not being able to do the best job they can. So we at Women's Legal are part of that support of getting families back together and getting people really on the road to recovery and having happy lives, you know, better lives together.

I will say a little bit, this is just a bit personal for me. I am the granddaughter of someone who was removed off her land directly from her tribe. My grandmother was taken into the city and became a domestic. She, in turn, had my father. My father was by all accounts, and what we think probably today, totally dysfunctional. I never had the privilege of having a healthy minded father who was rearing me and my nine sisters up. In a lot of ways I am here for my Nan who worked very hard as a domestic all her damn life for 65 years. She was taken away as a pre-teen from the riverbank by the police. I am here today saying that we need to be able to work in a better way. It is happening across Australia. I have one sister who is down in Canberra at the Grandmothers Against Removal protest. I have another sister who is working up in Queensland in an intervention program where work can be better done bringing families back together in a healthy way.

I feel really privileged I, sort of, in a way represent my Nan here—you know, all our values around caring, sharing and respect have been abused. My Nan as a pre-teen had to learn how to be a mother, and it was a challenge, besides working under laws that were very harsh for her as a little teenager, then a woman. And so today to be able to be part of bringing families back, and advising people in the best way we can through our organisation on how you can best work with families, is more than just a job; it is a real honour for me.

Mr LEVIN: Legal Aid welcomes the opportunity to give evidence before this inquiry. It is definitely a privilege to be able to give some evidence alongside representatives from Women's Legal Centre with a story that is very powerful. We acknowledge the Gadigal people of the Eora Nation on whose land we meet today. We also pay our respects to Elders past and present and also to all Aboriginal and Torres Strait Islander peoples here today. I also wish to recognise the contribution Aboriginal and Torres Strait Islanders have made to the work of Legal Aid New South Wales.

Legal Aid is an independent statutory body comprised of three primary divisions—criminal, family and civil law—which provide advice, minor assistance, casework and representation services to socioeconomically disadvantaged clients. From the outset we emphasise that we do not purport to speak for or state the views of Aboriginal communities in New South Wales but, rather, our submission and our evidence are drawn from the experiences of Legal Aid practitioners who advise and represent Aboriginal and Torres Strait Islander clients across the State.

It is difficult to overstate the compound levels of disadvantage experienced by Aboriginal clients. The stolen generations are not, for many of them, simply a vestige of the past but a legacy which Aboriginal communities and individuals continue to live with every day. This is evidenced by the fact that we regularly see and advise Aboriginal clients who present with multiple and complex legal problems which include things like unpaid fines, consumer disputes, housing issues, employment, social security, discrimination and police practice issues, as well as care and protection, family law and criminal legal issues.

It is well documented through both the "Bringing them home" Report and the Royal Commission into Aboriginal Deaths in Custody that such legal issues flow substantially from policies of forced removals and cultural assimilation. Over time, Legal Aid has developed various services to address these complexities, including most recently a dedicated civil law service for Aboriginal communities, known as CLSAC, Civil law services at ALS Redfern and Parramatta and regular outreach clinics throughout the State. However, the challenges of addressing the harms of past policies of forced removal require a comprehensive scheme of the kind under consideration by this inquiry.

In the view of Legal Aid any reparation scheme seeking to redress these issues will need to be community driven at every stage of the process. It will require sufficient community engagement and awareness raising and the forms of reparation offered should be capable of responding flexibly and sensitively to the divergent needs of individuals, communities and their descendants. In 2014-15 Legal Aid's civil law service for Aboriginal communities delivered 2,262 advices and acts of minor assistance to Aboriginal communities across the State, which figure illustrates our commitment to delivering legal services in this area, and we welcome the Committee's questions and the opportunity to participate in this inquiry.

The Hon. SHAOQUETT MOSELMANE: Welcome and thank you very much for your submission. It includes a fantastic summary of the recommendations that you make in the report. It is a comprehensive and concise summary of the recommendations. Are those recommendations captured in the South Australian model? How does this differ from the South Australian model and what can we learn from the recommendations in that model?

Mr LEVIN: It is difficult for Legal Aid NSW to comment on the South Australian model because it will not come in until 31 March. The criteria for that scheme are not yet publicly available, but I have spoken with the principal policy officer to the Commissioner for Aboriginal Engagement. I do not propose to speak for him, but I understand that those eligibility criteria will become available very soon. It is an \$11 million fund, of which, as I am sure members know, \$6 million will be allocated to individuals and \$5 million to community applicants. It is an independent assessor scheme that is certainly different from the model we have espoused in the Legal Aid submission, which is based on a tribunal. I understand that the independent assessor scheme will recommend that payments be made to eligible applicants who are successful, and those will need to be signed off by both the Minister and the chief executive of the Department of State and Regional Development.

It is a matter for the South Australian Government how it proposes to implement that scheme. If your question is directed at finding out why we have not suggested a scheme like that then I would say that the tribunal model is a very well researched and widely consulted model. It has been around now for at least eight or nine years—its first incarnation appeared in 2007. Two Commonwealth bills were proposed at that time. Although they may not have received the traction that was hoped for, they certainly put forward a very comprehensive model. Legal Aid feels that the recommendations in that model with regard to the type of reparations that should be available cover the territory and also reflect the kind of feedback that we receive from our clients on a daily basis with regard to harm suffered and how they feel it could be redressed.

The Hon. COURTNEY HOUSSOS: Obviously you have experience with the trauma that stolen generation survivors encounter. Do you have a view about whether a tribunal or an independent assessor model would be less traumatic for them?

Ms O'DONNELL: I do not know whether we have particular views about whether one or the other would be better for the clients. It would be determined on a case-by-case basis. Some clients who present desperately want an opportunity to tell their story. They present at our offices simply asking us to document what has happened to them so that in the event that they pass away and something is established in the future there is some record of what happened to them. For them it is about getting it out there and they really want the opportunity of a public forum. Others find it too traumatic. They have a different experience; they have suffered differently and they would prefer to lodge written submissions, to have closed-door meetings and that kind of thing. Without seeing that model in action it is hard to comment on the practicalities of it.

Some of our initial concerns related to the duration. I understand that it is set down for an initial 12 month period. We would have real concerns about whether that was enough for people to access the service. Our experience of the stolen wages exercise is that it had to be extended several times by the New South Wales Government to ensure people could access it. We worked very hard as an organisation to get word out into the communities with which we were engaged. We assisted some 1,100 people to access that service, but that was still insufficient. We still field inquiries from people asking about stolen wages and whether there is any

compensation available through that scheme. That would be one of our initial concerns. The other initial issue would be the form of reparation. Our submission clearly advocated not only monetary compensation but also different forms that are able to adapt to the needs of individual cases, different communities and that sort of thing. We have a scheme that is offering lump sum monetary compensation. We would encourage the Committee to consider something broader than that.

The Hon. SHAOQUETT MOSELMANE: Why is there such a big gap between the South Australian model—it suggests 12 months—and your recommendation of six years? That is a significant gap.

Mr LEVIN: In a sense the South Australian model is consistent with other proposed models put forward. The Tasmanian scheme was six months, the Queensland non-indigenous-specific redress scheme was 12 months, and I believe the Western Australian scheme was one year. That is well within the range of the types of duration proposed. The gap is based firmly on the experience of seeing clients at outreach locations and in inner-city Legal Aid offices and Aboriginal Legal Service offices where we provide the civil service. We continue to receive inquiries about a scheme that is no longer current. I believe that in the past two years we have advised 50 clients about stolen generation issues alone. That does not necessarily cover all of the inquiries that we have received; it is just the data we were able to extract for the purposes of this inquiry.

We are of the view that it would be helpful to keep open the possibility of a scheme that was extendable at the very least. If the Government and this Committee were minded to be more conservative in setting the time frame for the scheme, perhaps it would be appropriate for there to be a clause or a provision that allowed the scheme to be extended based on the number of inquiries that continue to flow in, either to the responsible department or other key stakeholder agencies.

Ms O'DONNELL: If the outcome is that it is a shorter scheme, that has to be compensated for by providing sufficient investment in community engagement. Officers like Dixie Link-Gordon are fundamental to the success of any kind of service offered in Aboriginal communities. There must be a lot of investment in Aboriginal field officers, advertising, branding and consulting with communities. That is the pay-off. If you shorten the length of the scheme, you really need to ensure it gets out there. This is too important.

The Hon. SHAOQUETT MOSELMANE: Your recommendations relate predominantly to individual-based reparation. What about funding communities? They will do the ground work to help individuals to come forward and make submissions.

Ms O'DONNELL: We are very conscious of encouraging something flexible. It needs to be a system that is able to address individual needs because individuals want compensation. We have people making inquiries and in some way they feel that they are the ones who directly suffered the loss of identity and that that should be recognised—that individual harm. We believe the system must also be able to address community reparation. Community groups should be able to make submissions and explain why their community has suffered as a result of these policies. There are also intergenerational issues. We would strongly encourage that any scheme should allow descendant claims. Descendants themselves have suffered as a result of these policies and should be able to make claims for reparation. We certainly do not advocate only individual claims; we advocate that there should be a flexible scheme that allows for different types of claims.

Mr LEVIN: The case studies in our submission were obviously based on clients whom we have advised and represented. They were designed to give a picture or impression of the kinds of issues that we encounter in providing our various legal services. The case studies illustrate that there is a strong sentiment that much of the harm that has been experienced would be redressed by things other than monetary compensation. A strong sentiment that emerged from our own very brief consultation in preparation for this inquiry was the need for widespread educational curricula that address this period of history, community memorials, healing centres, and family reunification and reunion. If anything, those sorts of things came out more than monetary reparation.

CHAIR: We are also hearing those issues. It is a matter of looking at both. We are also looking at how policies can change and the interactions with government. Perhaps you can respond in terms of your experience and how that sort of change can happen.

Reverend the Hon. FRED NILE: In cases of sexual abuse people are coming forward five, 10 and 20 years later. Because of that perhaps there should be no cut-off date; perhaps it should be open-ended. I cannot see the reason for a cut-off date. I know that that could be argued against on the basis of administrative issues.

However, there may be many people, particularly those in the Aboriginal community, who will not respond initially but who at some later point might feel that they can respond and become a public person, so to speak, and tell their story.

Ms O'DONNELL: We would not disagree.

Ms LINK-GORDON: When you go around the State and talk to grandmas who are trying to get their grandchildren back it is not until you have deep conversations that you find out about their own history. It is hard for them to say that they did not rear their adult child to be like this because they never knew. They never had the chance to share the caring, sharing and values of an Aboriginal person. They were never taught to them. Their grown-up kids are pretty troubled and they in turn have children. It is a mirror for them when they are looking at their grandchild being removed.

And something about it is that often the Family and Community Services [FaCS] or the Department of Community Services [DoCS] worker, whoever is addressing the government care work, is just not knowledgeable enough to say, "Okay, I understand what is going on; let's try to connect you up." A lot of the time they are saying, "Okay, it looks like grandma is pretty messed up in the head; she does not know what she wants to do; we cannot let the child go and live with her." But they need to actually hear her story and be able to respond in a way that is going to be good for that family—and not to have another child removed.

CHAIR: I would like to jump in there. That is the question I have asked a number of people: whether or not DoCS or FaCS asks that question so they can provide the support and the understanding that is needed around any stolen generations issues. And it is about whether or not it is appropriate that that question be asked of people when they come into contact with the system at any level—whether it be child protection or the criminal justice system. It is about whether people are asked so that there is that understanding and that capability to provide the support and the compassion. It is about knowing the history.

Ms LINK-GORDON: I think for DoCS workers it is not the first question that they are going to ask of anybody. I know from working in women's legal and from the community access point of view that we will always meet the client with our lawyers. We know that our lawyers are the experts on doing all of the legal stuff. But we are pretty good at drawing out what is really going on for grandma or mum or dad, whoever the person is who is going for the care of their child. We are essential; we are a bridge, because not every DoCS worker is going to be fully educated on this.

Reverend the Hon. FRED NILE: That is the point of my next question. In your submission you said that the tribunal members should include people with links to the Aboriginal communities. I would say that the tribunal members should include Aboriginal members—Aboriginal lawyers. There are many Aboriginal lawyers now. They have been trained as lawyers. To have to face three white men when you are telling your story I do not think is very helpful.

Ms O'DONNELL: Absolutely, and I think our intent with that language was to say that absolutely some of the members should be Aboriginal; and the others should have links. I think it is important that it is a mix, if it is a tribunal model that is chosen, because this is recognition of what white governments have done. Therefore we were advocating for a diverse range of members.

Reverend the Hon. FRED NILE: There is a great distrust now, particularly amongst the stolen generations, of all government activities and tribunals. So they come with that suspicion, and we have to do all we can to make sure there are no barriers to them feeling accepted and able to tell their story with confidence.

Ms O'DONNELL: That brings us back to what Ms Link-Gordon was just saying about the role of field officers in providing that bridge. As professionals and as solicitors they are crucial for us to get the full story out of a client—to provide that introduction and to get the context of what is going on in that community. I could not have done my job in setting up a new civil law team in an area like Port Macquarie. We have communities in Taree, communities in Foster and communities in Kempsey. There is no way we would have had any kind of success in establishing an office within the Aboriginal communities without those field officers to provide that bridge.

The Hon. BEN FRANKLIN: I want to talk to recommendation No. 2 in your submission, and I would be interested in your views on this, Ms Link-Gordon. The submission recommends:

The space and opportunity must be provided to Aboriginal people to share their version of what they experienced and its impact on them, where individuals wish to tell their story.

Obviously you are speaking to that in a legal context with concerns about the burden of evidentiary proof and the oral tradition of Aboriginal people and the risks in some of the things that have happened not being appropriately responded to. I would be interested in hearing you speak about that further, and also I guess about the broader issue of the needs. You talk about a range of needs for reparation, one of which is obviously the telling of the story, and how important that is in terms of your understanding of this issue.

Ms LINK-GORDON: I can talk about how we operate out in the community as a community person, and I will not have the big legal version of it. I can say that on the opportunities to go and talk about what is going on there have been a couple of successful programs have operated here in New South Wales, specifically in Sydney. One of those with the healthy family circle, which was a collaboration between an Aboriginal women's organisation, a very small organisation, and Relationships Australia. We were able to bring women together to talk about current things and also historical stuff that had happened in the past and what would put them in the best position to make healthy decisions—good decisions for their families. That was a partnership between a huge organisation, Relationships Australia, and our organisation. We knew everything that was going on for women but how could we go and talk about it?

How could a grandmother, daughter or aunty—who may be the main person who goes out and gets lots of information around the community for that family—access counselling, and what does it look like? Where could she go and talk about stuff that had happened? Counselling for Aboriginal people, in my experience, has been a challenge—to actually walk straight into a psychologist and say, "Well, I have been a bad mum and I do not know how to address where I have come from or how I am going to go on." So having groups that are accessible and community-based is important. I have found in my long experience that working in partnership with organisations that are for all Australians has been pretty good. I will say that Relationships Australia is one of those organisations. Does that answer the question?

The Hon. BEN FRANKLIN: Yes, it does; thank you. Would the other witnesses like to answer from a legal perspective about what else could be done?

Mr LEVIN: Just to reflect on the comments of Ms Link-Gordon, the personal stories that Legal Aid received even in preparing case studies for our submission to this inquiry really confirmed for us just how incredibly emotional it was for our clients to tell their stories even today—many of them for the first time, and that is really quite remarkable. The grief that was present was absolutely palpable when listening to those stories as a professional. Certainly as part of our job that is something which brings home how important it is for people to be able to tell their stories in some forum.

Some of those people were satisfied just to tell their stories to a Legal Aid lawyer for the purposes of our submission to this inquiry. Others will want to be able to speak in a public forum so that their stories are on the public record under their name. That is certainly a personal choice, and I would not say that every possible applicant is going to have the same view. But that was certainly part of our experience in preparing those case studies. So even where the evidentiary burden may be lower and even if the forum is more inquisitorial, which is something Legal Aid would welcome, the capacity to tell those stories and histories is crucial.

Reverend the Hon. FRED NILE: We had the same expense with the stolen generations giving us evidence.

The Hon. SARAH MITCHELL: Following on from that, one of the things we have talked about and that I am interested in, and I think you talk about this on page 28 of your submission, is alternatives and more culturally appropriate models in the justice system. That is something we have talked about—not necessarily in relation to justice yet but certainly in relation to health and the Department of Family and Community Services. When we were at one of our regional hearings, I think it was at Wagga, we were speaking with some of the local Aboriginal Medical Service staff. They said they get people who come in all the time. They might have a range of problems and a history of problems but it is not appropriate to ask, and nor would they want to tick a box saying, "Yes, I am a member of the stolen generations or a descendant of." But when they get the opportunity to spend time with that person over a range of visits then that is when the information starts to come out, and they know where to then send them for extra help—if they even want to tell their story.

Yesterday one of the ladies who gave evidence believed until she was almost 30 that her family had given her up for adoption. She was so angry and did not want to know that she did not learn until she was in her

late twenties that she was actually a member of the stolen generations. So it is an incredibly complex situation and it is hard to quantify the number of people involved or impacted. My question is: if we were to look at other models—and you mentioned Koori courts, which I would be really interested to hear your views on—would that potentially include the capacity where people might not have to say, "Yes, I have been affected by this or my family has been impacted" but perhaps through that process consideration could be given to their family history? Do you have a view on if that would be a more effective way in terms of keeping Aboriginal people out of the criminal justice system?

CHAIR: I hate to do this but I have to make you aware that we are running short on time.

Ms O'DONNELL: To be honest, I think we will have to take the question on Koori courts on notice, because we are both civil solicitors and that is something our criminal solicitors will be much better placed to speak to. Suffice to say, Koori courts are welcomed by a lot of criminal solicitors. But they are not statewide and they are not available in every jurisdiction, unfortunately. I certainly know that on the mid-north coast, where we are, it is not an option to divert people to Koori courts.

Mr LEVIN: I suppose to be as concise as I can be, the relatively recent High Court decision of Bugmy was an attempt, in a narrow way, to acknowledge some historical and family circumstances and their impact on current behaviours. That is a decision which should have a lot of influence in other areas of law outside of criminal law. So we would be advocating that those factors should certainly be taken into account when considering things like housing priorities, because our experience is that clients frequently encounter difficulties, because of forced removal, in getting onto priority lists, establishing their Aboriginality and so on.

The Hon. NATASHA MACLAREN-JONES: My question is to Ms Link-Gordon, and I am happy for you to take this on notice as well. In your submission you talk about placement principles. In that you talk about the priority for Aboriginal and Torres Strait Islanders to be placed with family and kinship groups. I am interested to know a bit more about the current numbers of people registered to be foster carers or guardians. What are the barriers and what changes might need to be made to ensure that those options are available?

Ms LINK-GORDON: I can say that we have a lot of clients at the moment dealing with this type of situation. We are trying to support them as best we can. I think we will have to get back to you with a detailed response on that.

The Hon. NATASHA MACLAREN-JONES: Thank you.

CHAIR: I certainly want to encourage you, if you walk away from here and have further thoughts, to provide further information. This is broad and we are taking a whole of government approach. I also draw your attention to the fact that one of our terms of reference looks at the New South Wales Government response that was done back in 1997-98. That was an action plan that seems to have sort of slipped away. There were issues in there, and you might want to pass this on to some of your colleagues, around the provision of bail houses—recognising that sometimes people end up in jail because they are of no fixed address. So there are practical solutions, and there was a reference to the recent judgement, that take into account the intergenerational consequences across a broad range of issues in a whole of government approach. This document provides some of those things, whether it be in education, health or other areas.

We are looking at this broadly, because I think we all believe that change can happen if we adopt a different perspective and a lot more respect. We have heard from people that they do not have great faith in consultation and that they want engagement, and that will affect the whole of government situation. I did have a question here. I am from the regions and so I understand some of the points you were making. The capacity for the regions to respond to this very much requires people on the ground—people who are trusted and who have an understanding of the local circumstances, which might also shrink some of the time necessary to get outcomes. So do you think that the field officer positions that you have referred to need to be multiple to deal with legal support, if there happens to be a tribunal or some other mechanism, as well as social impacts? Is there currently an issue around the lack of support workers within regional communities for everything?

Ms LINK-GORDON: I think having rock-solid networks around the State, where the legal service can be responding to community-based organisations. My other work is domestic violence educator, so I get to travel around the State a lot doing education around violence. But coming into women's legal, I see that we have a fifth of the population of Aboriginal people working at community legal services. We have a lot of work dealing with women around the State. Yes, definitely there has to be more around that. It cannot be seen as just

a 12-month job; this is long-term stuff. The lawyers are going to have a lot of work for 20 years or more dealing with families and situations. You cannot just bring a community access person in for 12 months and hope they wrap up all that work and the lawyers have a good package to run with.

The Hon. SARAH MITCHELL: Maybe it is about finding people who are already part of the community and putting them in the positions, rather than trying to bring in an outsider.

Ms LINK-GORDON: Yes, definitely. A lot of people do lots of stuff, unpaid work or whatever, in their communities. They are very trusted and an investment in those people in employment is a good thing.

CHAIR: You made a point about your grandmother working as a domestic. Other people have raised the point that stolen wages are connected with this issue and they did not know about it at the time. Was that your family's experience or was a claim made?

Ms LINK-GORDON: Fortunately all our nan's grandchildren became workers and it was not something we went looking for. The people who suffered most from my grandmother being taken away were my aunty, my father's brother and my father. It is a book; that is all I can say. I say again I feel very privileged to sit here and say it hurt. It hurt my family. It hurt my father. Today he is an 80-year-old man and he probably still cannot articulate how it was. He has gone on a journey back to where my grandmother was taken from and her only brother had passed away, so there was only a distant relative who sort of remembered her. That was pretty painful for him. But here I am in 2016 and we have better access to education. I am not angry anymore at my dad for being so disappointing, as I thought he was at the time. I understand him better as someone who is well in her 50s.

The Hon. COURTNEY HOUSSOS: You might want to take this question on notice. We are looking at a holistic approach. Are there any programs you are aware of that are doing great things to keep kids in their families? Do you know about the support they are providing to remedy these situations?

Ms LINK-GORDON: I will say the Healthy Family Circle Program has been operating now for nine years and that resulted from myself and another worker sitting on a lounge with Relationships Australia and asking what we could do to make families a bit healthier. We have had a range of short courses and group work that has been unique and great for families. We have had trips down to the National Archives in Canberra to research our records. We have had a beanie group where women sit together knitting to fundraise to go to Central Australia, which is a big thing. It might seem like fun stuff, but we are actually bringing women together to show that when you have a goal and you can do something together, you can do it. Of course, we have Counselling On The Run and how to deal with a crisis in your family. That program won a Federal award, so I am proud to be associated with it. That is centred around a mother and her family, or a grandmother—the main carer in the family.

CHAIR: Is it still running?

Ms LINK-GORDON: It is still running.

CHAIR: Who funds it?

Ms LINK-GORDON: The Federal Department of Social Services. Because we partnered with Relationships Australia earlier in the program, they were getting direct funding and we were the workers. Now the funding has gone straight to the organisation. It is a small Aboriginal women's organisation, Mudgin-Gal Aboriginal Women's Centre, based at Redfern. We continue to do good work and engage with women who were getting information that was beneficial to their families.

CHAIR: What about State-funded programs? Are they different or based on the same model?

Ms LINK-GORDON: I cannot really say what is going on out and around the State in regard to programs. Mainly the family ones will come out of organisations—they may not be specifically Aboriginal. Often if children are being removed, you are encouraged to engage in those types of programs. You have parenting programs and stuff like that.

CHAIR: There seems to be a problem with providing support early enough.

CORRECTED

Ms LINK-GORDON: Yes, the intervention stuff.

CHAIR: You get to crisis and then it affects everyone. Is it fair to say that more needs to be done earlier and it should be obvious where the support is necessary? That is why if there is recognition of stolen generations we would know where support is needed.

Ms LINK-GORDON: Yes, I think it is fair to say that. Awareness and prevention, every Australian can benefit from. Our FACS workers need to be aware of type of clientele they are working with so they can support that person in making the right decisions. I am sure everybody here does not want to see kids ripped from their families—being moved this way, that way, mums only able to have access to their child three times a year. We should all be able to come to a place where things can be negotiated and each person heard. When you get to say your piece, you start to own your situation and learn to move better with it.

CHAIR: You will probably get questions on notice and the committee secretariat will be in touch about them. If you would like to submit anything else, please provide additional information. If you come across someone who has not heard about what we are doing and they would like to make a submission, please pass on the details. We are getting some fantastic feedback from people. Thank you for your work and being here today.

(The witnesses withdrew)

CORRECTED

ANNA CODY, Director, Kingsford Legal Centre, University of New South Wales,

KATE HALLIDAY, Law Reform and Policy Solicitor, Kingsford Legal Centre, University of New South Wales, and

KALEESHA MORRIS, Aboriginal Access Worker, Kingsford Legal Centre, University of New South Wales, affirmed and examined:

CHAIR: Do you have an opening statement?

Associate Professor CODY: Yes. Kingsford Legal Centre is one of 40 community legal centres in New South Wales. We provide advice and assistance, law reform and community legal education services to those who live, work or study in the Randwick and Botany council areas. We also have a statewide discrimination law service and an outreach service for Aboriginal clients and the community at La Perouse, as well as representing numerous Aboriginal people at our discrimination law service. We have a longstanding commitment to the issues faced by the stolen generations, having made various law reform submissions to the Australian human rights inquiry that led to the "Bringing them home" report as well as the Senate Standing Committee on Legal and Constitutional Affairs on a reparations tribunal and the Act to provide ex gratia payments. We also ran the first Australian litigation on behalf of a member of the stolen generations, Joy Williams, and have advised other Aboriginal clients around stolen wages and represented numerous clients in that area. I will hand over to Ms Halliday for our recommendations.

Ms HALLIDAY: We would like to make three recommendations to the Committee regarding reparations. The first is that greater efforts should be made to prevent Aboriginal children being placed into out-of-home care, including increased support for early intervention for Aboriginal families and greater access to the family law system for Aboriginal families. Kingsford Legal Centre supports in this regard the recommendations and comments by Women's Legal Services NSW regarding access to a family law pathway and early advice and assistance to prevent proceedings under the Children and Young Persons (Care and Protection) Act. Our second recommendation is that the New South Wales Government should establish a reparations tribunal to provide a range of reparations including monetary compensation in line with the recommendations made by the Public Interest Advocacy Centre. Our last recommendation is that the New South Wales Parliament should legislate to abolish the limitation period that currently applies to claims for child sexual and physical abuse.

Associate Professor CODY: I will talk briefly about limitations of running litigation, drawing on our experience of representing Joy Williams. That litigation ran from 1989 to 2001. Kingsford Legal Centre ran that; we had a staff of eight people at the time. We received Legal Aid funding to represent Joy Williams, who was a Wiradjuri woman. She was removed at six months from her mother, who signed a consent form which proved to be fatal to her case in suing for trespass, breach of fiduciary duty, negligence and breach of statutory duty. Joy was placed in Bomaderry Children's Home and then removed to Lutanda, a home for children in the Blue Mountains. She experienced abuse and neglect, had no maternal attachment figure and was not treated, even by the standards of the time, in a way she should have been treated as a child who had been removed. Her mental health was severely affected and she was both physically and sexually abused in the home.

Ultimately, we had to seek leave to file a statement of claim out of time. We were successful after reaching the High Court on that issue. Then she ran the litigation in 1999 that went to trial but was unsuccessful. The court concluded that the way she was treated was not wrong by the standards of the time. Both the trial judge and the appeal judges were reluctant to impose any legal duties upon the board to look after children in Joy's position, which would leave the board open to a claim for damages. We went to the High Court around that and ultimately failed. Joy was unable to give evidence—she made an affidavit but was unable to be cross-examined as she was in hospital at the time. Her mental health prevented her from giving evidence in her own case.

The case clearly demonstrates the problems with litigation for any members of the stolen generations. As referred to in various submissions, there has been no successful litigation other than the Trevorrow case in South Australia. Because of the removal and history of institutionalisation, those with the burden of trying to bring a claim are very damaged and very emotionally harmed by the act of removal. Having to recount what has happened to them is incredibly painful and difficult for them. As I said, Joy was unable to give oral evidence and because the events happened so long ago it is exceedingly difficult to actually get documentary evidence

and to bring evidence that proves the claim. The financial cost of litigating is extremely high—I think it went to well over \$1 million. If you added the cost of the State in defending that case for 12 years there would have been enough money to have set up a reparations tribunal. We absolutely think that, even according to the standards of the time, she was not treated the way other children were. There were child guidance clinics at the time. She was not referred to one. That is a brief outline of some of the problems with litigation.

Ms MORRIS: One aspect that we want to emphasise today is our concern about children in care now and how they are connected to the stolen generations. It is important to prevent repetition, as stated in the terms of reference of this inquiry. As I am sure the Committee is well aware, in New South Wales 37 per cent of the children in out-of-home care are Aboriginal or Torres Strait Islander. That means that one in 10 Aboriginal and Torres Strait Islander children is in out-of-home care at the moment. That is a massive loss to us. We feel that this rate of overrepresentation is indicative of compounded intergenerational trauma and lack of early intervention and prevention support services for families, including members of the stolen generations. This rate of overrepresentation and concerns regarding the adherence to culturally appropriate Aboriginal placement principles indicates that if the rates of removal are not dramatically reduced as soon as possible then we cannot provide guarantees against repetition and the occurrence of another era of mass Aboriginal child removal.

Associate Professor CODY: They are our submissions. We are open to any questions the Committee may have. We intend to provide a written submission.

CHAIR: Thank you.

The Hon. SARAH MITCHELL: I am happy for any of you to answer this question. Would you tell the Committee a little more about access to the family law pathway? You mentioned that it was in the Women's Legal Services submission. They talk about it as another option for early intervention and child protection. Would you tell the Committee how that operates and what you would like to see? What could the Committee recommend changing to make it more accessible to the people who need it?

Ms MORRIS: For the past few years we have been talking with Aboriginal clients and community members in the La Perouse area and working with Legal Aid to set up an outreach service at the community health centre there once a week. That takes Legal Aid solicitors out to the health centre and provides the community with access to solicitors on the ground so that they can ask any legal questions they may have about child protection or family law matters. One aspect that we want to talk about is trying to increase access by Aboriginal communities to the Family Court and creating a pathway there to prevent engagement with Family and Community Services and unnecessary removals, or barriers and challenges that might result in child removal.

We worked with magistrates Robyn Sexton and Dale Kemp, who came out to our centre and met with community members. It was a great forum. Community members could talk about their experiences, what they had gone through in the Family Court and what barriers they had met, including the barriers they had met in working with lawyers. The magistrates were very open to sitting down with community members and finding out what made Aboriginal people uncomfortable about seeking that pathway. A number of issues came up. Robyn Sexton and Dale Kemp were very open to further exploring those issues to try to come up with strategies. The Circuit Court now has a reconciliation action plan. That includes concerns and creates a space where those concerns can further be explored. The Family Court has a great initiative to increase access by the Aboriginal community to services that it provides, to prevent engagement with Family and Community Services.

The Hon. SARAH MITCHELL: Is part of the problem that some of your Aboriginal clients do not know what their rights are in the Family Court? Is that something that you see frequently?

Associate Professor CODY: Absolutely. I also think it requires them to take the initiative. Then you run up against that suspicion and lack of trust in any sort of legal remedy, and the lack ability to identify that there is a legal problem. I think that is a real issue, as is having the confidence to approach lawyers and the legal system in a way that assumes you will be treated well.

Ms MORRIS: Yes. There was an overwhelming sense of suspicion and fear that if they were to approach legal authorities they might be considered unfit.

The Hon. SARAH MITCHELL: Yes. That is something that the Committee has found not just in the legal sense but in health and education. There is a fear of being singled out, partly due to family history.

CHAIR: There is a fear of repetition of the events of the past.

The Hon. SARAH MITCHELL: The example you have given sounds really great. Do you know if that has taken place in any other areas around the State? Is that something that has happened only in Sydney with the Family Court? Have they gone to regional areas?

Associate Professor CODY: I know that they have a reconciliation action plan. That initiative is part of that, so I assume that this is occurring across Australia rather than just in New South Wales.

The Hon. SARAH MITCHELL: Okay. We will look into that.

Associate Professor CODY: In response to your previous question, because we do not represent parents within Family and Community Services proceedings where children have been removed, we are not in a position to come up with recommendations. Certainly there needs to be greater liaison between the care proceedings and the family law proceedings. Maybe it is the State-Federal problem as well. Legal Aid would be better placed to give recommendations. But there definitely needs to be greater crossover, cross-referral and referral out of the Family and Community Services system and back to the family law system.

The Hon. SARAH MITCHELL: Thank you.

The Hon. BEN FRANKLIN: Your first recommendation is to minimise the number of Aboriginal children currently going to out-of-home care, which I totally agree with. You talk about the need for greater improvements in early assistance. Would you speak to that and provide some detail? What are your ideas about how we could achieve that?

Associate Professor CODY: One of the really useful approaches is to build up early childhood services. For example, in La Perouse there is a great childcare centre called Gujaga childcare centre, which provides support to families and is a way for them to learn about good parenting practices. One of the harms of the stolen generation is the disruption in parental relationships going down the generations. Good childcare services that are Aboriginal run and Aboriginal controlled are really significant as a way of stopping that ongoing issue.

CHAIR: Do they run the prenatal service as well? When the Committee was in Nowra for an inquiry into housing, witnesses talked about the prenatal program that is running there, where people take part in Zumba. That was a way of getting everyone to come in, and for it to be fun. Learning and support were offered in conjunction with that. Is there a program there that starts earlier, pre-birth?

Ms MORRIS: Yes, they do have prenatal services as part of the clinic at the local Aboriginal health centre at Yarra Bay, in La Perouse. They provide early support to expectant mothers. They also have a great mother's group that is run weekly from the health centre. They are very artistic and have had numerous exhibitions. It is for expectant mothers and mothers to meet. They are a tight-knit group that talk about issues. They cover everything to do with parenting and relationships and keeping families together. A strong focus on community programs for people who lack support would provide effective early intervention services. It is about education and maintaining strong networks.

CHAIR: That sounds great. The Committee can follow up and get some more information about the work they are doing.

Reverend the Hon. FRED NILE: In your submission, on page 11, you are critical of the failure of Family and Community Services to adhere to the placement principals and so on, to put Aboriginal children with Aboriginal families. Do you think placement is improving or getting worse?

Associate Professor CODY: I would not be in a position to answer that question. We do not have that direct relationship, representing people, either parents or children who are being removed. I read in one submission, which I thought was particularly interesting, the interpretation in Canada of the best interests of the child. Even when the factor of Aboriginal connection is taken into account there, it is not intrinsically linked to the Australian understanding of the best interests of the child. The question is whether that definition needs to be changed. That may be another way of strengthening the system and ensuring that children are not removed.

CORRECTED

Reverend the Hon. FRED NILE: You say there is a failure, so you must be aware that it is not performing as well as it could.

Associate Professor CODY: We have not made a written submission yet.

The Hon. SARAH MITCHELL: That submission was from the Women's Legal Services.

Associate Professor CODY: We are Kingsford Legal Centre, although we work very closely with the Women's Legal Services.

The Hon. SHAOQUETT MOSELMANE: Ms Halliday, the second part of your recommendation was support for a reparation tribunal.

Ms HALLIDAY: That is correct.

The Hon. SHAOQUETT MOSELMANE: The Committee has just learnt about the South Australian model, which uses an independent assessor.

Ms HALLIDAY: Yes.

The Hon. SHAOQUETT MOSELMANE: Would you tell the Committee whether you support the tribunal, as opposed to a potential independent assessor model, as is used in South Australia?

Ms HALLIDAY: I am not familiar with the South Australian model. I guess it is a model that is not based on legislation. It is not a statutory model. It is an independent assessor who is appointed administratively. Would that be correct?

The Hon. COURTNEY HOUSSOS: Yes.

Ms HALLIDAY: One of the advantages of a statutory tribunal is that it is far more transparent and accountable for what it is set up to do. It is more important for people's expectations then. It will increase the confidence of people, allowing them to come forward and participate in the process. One of the problems for, for example, negotiations for a personal injury claim or an assessment claim that is administrative based is that it does not have a public element of transparency and the rules about how the assessor will make a decision are not as public. The assessor cannot be held accountable against those rules. That is one of the major strengths of the tribunal.

A point made by the witnesses who appeared earlier was that the involvement of Aboriginal people in such a body is really important. There would be challenges in ensuring Aboriginal involvement if you appointed just one assessor to undertake the role. Before starting work at Kingsford Legal Centre I was working at a legal service that provided services to people engaging with the royal commission into child abuse. It is really important for a body that has been set up to provide reparation to have a holistic approach to people's needs. That is more likely to be achieved through a tribunal, where you could harness expertise from different disciplines, not just people with legal backgrounds but also people with appropriate cultural backgrounds and appropriate skills in working with people with trauma.

The Hon. SHAOQUETT MOSELMANE: Professor Cody mentioned the Canadian experience. Can we draw any information from the Canadian experience about the success of the tribunals in assessing reparations? Would you tell the Committee about that?

Associate Professor CODY: A compensation process has been put in place for indigenous people in Canada who experienced abuse at boarding schools. That recognised the harm that was done in their community and has moved to address it. There were criticisms of that model, but it has addressed that issue at least. I would have to study that further to give a more detailed response.

The Hon. SHAOQUETT MOSELMANE: Take it on notice. That would be great.

Associate Professor CODY: What strikes me is the connection between the Department of Community Services [DOCS] system removing children from their parents or community and the criminal justice system. It steps through. It is not just at the beginning; it is relevant to children and to Aboriginal people

who become involved in the criminal law system. It all links back to the intergenerational impact of lack of parenting and breakdown in community. Certainly that is what struck me as well about the Canadian experience—that it does address it at all of those levels. It is not just picking one part of it and focusing on that.

The Hon. SHAOQUETT MOSELMANE: Thank you.

Reverend the Hon. FRED NILE: One of the issues we will be confronting is the setting up of the tribunal. Do you have any recommendations on how that should be done? Should it include Aboriginal representation on the tribunal—not just as advisors but an Aboriginal lawyer?

Associate Professor CODY: Yes—or if not an Aboriginal lawyer then certainly Aboriginal other expertise. As Ms Halliday was saying, it would benefit from being multidisciplinary as well and including Aboriginal members who are making decisions around the granting of compensation. One of our clients who sought compensation from the Queensland Forde inquiry who was successful—his wages had been stolen and he had experienced physical abuse—when he was granted I think \$12,000 ultimately did not want to accept that money because it was so paltry. One of the recommendations from the royal commission is that \$65,000-\$200,000 range for the amounts that are given. To recognise the harm that they have experienced, I do not think the amounts given to people can be just tokenistic amounts either.

The Hon. NATASHA MACLAREN-JONES: I have a question which I am happy for you to take on notice in relation to placements. I am interested to know more about the current principles under the care Act and the placement of Aboriginal and Torres Strait Islander children. The Committee has heard evidence that although the principle is that priority should go to extended family that is not actually the case on the ground. I am interested to know more about what is causing that but also what recommendations you would have to remedy that issue—if it is particular barriers on the ground or if it is a bigger problem.

Associate Professor CODY: Thanks. We will take that on notice.

The Hon. COURTNEY HOUSSOS: I have a question which you may also want to take on notice. It seems as there is a need for a holistic and multidisciplinary approach to address the range of issues that are involved with trauma. It seems as though the Kingsford Legal Centre is working very closely with the La Perouse community and, I am sure, other communities. They have some really great examples of not just the early intervention around parenting classes which we have been asking a number of witnesses about but to help Aboriginal people as they confront a range of issues. Have you worked with any other organisations around the State that are doing similar work or are you guys really the best?

Associate Professor CODY: I am sure there are others who are doing equally fabulous work.

The Hon. COURTNEY HOUSSOS: Are you working in partnership with other organisations or other locations around the State to do similar things?

Associate Professor CODY: No, not around the State. We are fairly focused on our local area. Perhaps one other example of something which I think is really effective—I think it came out in one of the submissions—is in Redfern around building relationships between police and community. There is a boxing club that has been set up to build constructive, healthy relationships between police and young people rather than them just interacting around criminal law—dealing with it at that stage. There are moves to create that in La Perouse in our area.

One of the other initiatives that we are involved in which you may have heard about through the press was at Matraville high and aims at the retention of young people at school, working with the University of New South Wales [UNSW] and the School of Education to ensure that young people are encouraged academically by pairing up university students and high school students. There is a high Aboriginal population in that school and it has traditionally had a range of issues. Again it is that holistic approach towards education and the significance of education and supporting families. There is a homework club and there is family and community involvement within that school which I am not aware of happening at other high schools.

Ms MORRIS: Through the Community Legal Centres [CLC] NSW network, at Aboriginal Legal Access Program [ALAP] network meetings I am able to sit down with other Aboriginal workers from all around the State to talk about how we are addressing certain issues within our communities. We kind of bounce off each other there in getting ideas. I have found that a lot of the Aboriginal access workers around the State

undertake work that would not necessarily be specifically legal work but they find that it does make a difference in the community and in creating relationships where we can talk to the community about legal things. I have met one Aboriginal access worker who was working with a youth group—she had convened a youth group. That is youth work as opposed to what we do at Kingsford Legal Centre.

We are quite lucky in our local area because we have a lot of great programs running out there that holistically address certain issues within the community. We have programs like the Kool Kids Club which is based just down the road. They do amazing work with Aboriginal young people in primary school transitioning into high school. They have Aboriginal community workers talking and working very closely with those kids. We have also got the Sista Speak program at Matraville that is up and running. That is for young Aboriginal women in high school. They have a culture room up in the high school where we have met with them. We are looking forward to doing more work with them to talk about their rights when it comes to police powers—searching and things like that. I think you may have heard of Weave, who are in Redfern. They do work in the La Perouse area as well. We are quite lucky in the eastern suburbs to have such a lot of community workers doing their best to create programs that are tackling disadvantage from all different angles.

We also have a carers' group that is based in Yarra Bay in La Perouse. That is mostly grandmothers who meet to talk about issues to do with children that they are fostering and looking after as well. They support each other. They probably do not meet as much as they should in terms of just trying to get support and resources from Guriwal. That is something they are working on in terms of trying to gain more resources. There are definitely great things happening. We have got solutions out in the community. It is just a matter of really figuring out how to work together, I guess.

The Hon. COURTNEY HOUSSOS: I have one final comment on that. What we have seen through this inquiry is that there is a range of fantastic things happening here and there, but we need to connect those to ensure that they can happen right around the State. Thank you very much. That is really useful.

CHAIR: In your submission can you highlight some of those programs and inform us of any barriers to them expanding or operating. Let us know the positives but also what is needed, because that is what we are looking to hear. We have run over time, but I am sure everyone will reduce our break because this has been really valuable. One of the terms of reference is looking at the New South Wales Government response. That tried—I think quite well—to present a whole-of-government approach but some of the programs seem with time to have dissipated or to have dropped off. We would appreciate a response to the New South Wales Government response document if you are able to provide one in terms of things that would still work.

I think I gave the example before of recognising the need for bail houses. Often Aboriginal people are away from country. They are in the city with no fixed address and end up in jail rather than having appropriate bail house opportunities. Practical programs that recognise transgenerational issues and opportunities to assist and support would be great. Your experience is invaluable. We really appreciate you coming forward and we look forward to anything that you can offer by way of submission to assist us in what we are doing. Thank you very much.

Associate Professor CODY: Thank you.

(The witnesses withdrew)

(Short adjournment)

REBECKAH MOONEY, Indigenous Board Member, NSW Reconciliation Council, and

CECELIA ANTHONY, Co-Chair, NSW Reconciliation Council, affirmed and examined:

CHAIR: Do either of you have a presentation?

Ms MOONEY: Before we start, as a Biri and Kaanju woman from Queensland, I would like to acknowledge the traditional custodians of the land that we meet on today, the Gadigal people of the Eora nation, and pay respect to elders past and present. Thank you for the invitation to give evidence in this inquiry into Reparations for the Stolen Generations in New South Wales. As the peak representative body in New South Wales promoting reconciliation between Aboriginal and Torres Strait Islander people and the broader community, the New South Wales Reconciliation Council seeks to lead, inform and inspire and promote reconciliation at a grassroots level in New South Wales. We believe reconciliation is critical to Australia's future as a unified nation, and at the heart of reconciliation is the relationship between us all. The New South Wales Reconciliation Council seeks to help build an Australia that is reconciled, just and equitable for all and a key step in achieving this vision is recognising and making amends for wrongs done in the past.

The New South Wales Reconciliation Council acknowledges the significant steps towards reconciliation that have been made over the past 15 years. The Commonwealth Government has committed to addressing Aboriginal and Torres Strait Islander disadvantage through the Closing the Gap framework and supporting annual oversight through the Council of Australian Governments steering committee's "Overcoming Indigenous Disadvantage" reports. In February 2008, almost exactly nine years ago, Prime Minister Kevin Rudd put forward a long overdue apology to the stolen generations, which was crucial to begin healing by acknowledging the truths of past policies. However, much remains to be done if we are truly to reach our goal of reconciliation. Subsequent federal governments have supported the establishment of the Healing Foundation and the National Congress of Australia's First Peoples, although both face a constant struggle for Government funding.

We believe the failure of Australians to deeply understand and engage with Aboriginal peoples and histories as well as past Australian Government policies of assimilation prevent us achieving reconciliation. The significant disadvantage still experienced by many Aboriginal and Torres Strait Islander people and communities needs to be addressed and, most critically, this includes the intergenerational trauma inflicted by the separation of children from their families and their culture. Aboriginal children continue to be removed from their families in New South Wales and nationally at extremely high levels. Some suggest we are facing a new stolen generations today.

The New South Wales Reconciliation Council believes this inquiry has the potential to significantly progress reconciliation for Aboriginal and Torres Strait Islander people in New South Wales by providing the opportunity to engage directly with Aboriginal people, communities and organisations and deliver genuine reparations. If done well, this could provide a blueprint for other State reparations and reconciliation processes. In order for this inquiry to have the greatest impact, the New South Wales Reconciliation Council advocates for, one, the "Bringing them home" report reparation recommendations to be fully enacted within New South Wales, engaging from the outset with key Aboriginal and Torres Strait Islander bodies in New South Wales and across Australia with expertise in healing and compensation in the design of a compensation scheme; and, two, that the New South Wales Government acknowledges the time constraints, given the advanced age of many stolen generation survivors from the New South Wales system, and that it commences such engagement as a matter of the utmost priority.

The Hon. SHAOQUETT MOSELMANE: The South Australian model suggests reparation of \$50,000. Your suggestion is effectively supporting the Canadian model, which says \$10,000 plus \$3,000 for every year. Is that not a small amount for the significant suffering that people have gone through?

Ms ANTHONY: When we aired our support for the Canadian model it was not about specific monetary figures. The Canadian population is obviously a large population. Over 90,000 Indian children were put through the residential school system there. The Tasmanian and South Australian models are based, obviously, on the amount their State Governments allocated for their funds and the number of claimants they were expecting. A New South Wales model would have to rely on the amount allocated, the expected number of claimants and it is also worthwhile remembering that New South Wales has the largest Aboriginal population of any State or Territory in New South Wales, so you are dealing with a big population, none of whom have

escaped the stolen generations. There is not one individual Aboriginal family member or community in the State that has not been affected in one way or the other by the legacy of the stolen generations. In terms of individual amounts, that is something that would need to come out of extensive consultation with Aboriginal peak bodies in this space. We would urge that that be the first consideration of the New South Wales Government, which would be real, genuine and extensive consultation to design a system and a fund. It is that slight technical difference between working for Aboriginal people instead of working with them. You want to be working with people and not for them and not without their voice and their input.

The Hon. SARAH MITCHELL: I want to follow up the part of your submission where you talk about the Canadian model. That is something we have had discussions about as a Committee and have heard from other witnesses as well. You mentioned that there was money in that example for events and memorials to acknowledge the residential schools. One of the things we have talked about with past residents of Coota Girls' or Kinchela was about having some form of preservation of those sites and a place potentially for those who want to use the venue to heal as part of their journey, but also for educating their family members and descendants and the general community about what happened and how that is part of our history. Would you have a view on the proposal to do something with those residences that we know were in existence in New South Wales?

Ms MOONEY: Personally I would support that. As Cecilia said, you would have to do a lot of consultation with those bodies and those people who have gone through that experience and see whether they see that as something they need in order to heal. We will constantly need to be consulting with the community groups.

Ms ANTHONY: As a society we are surrounded by our history and monuments of the people who arrived in Australia, and post-colonial Australia. It is not a difficult thing to understand why people would want their own memorials and the true lesson of history is to never repeat your mistakes. That is very significant for an inquiry of this sort because of the current rates of Aboriginal children in out-of-home care, the out-of-home care system and the child protection system in New South Wales at the moment, which are horrifically high. One of the "Bringing them home" recommendations, which you have based this inquiry's terms of reference on and part of the van Boven principles is that there is a genuine attempt not to repeat the mistakes of the past, so that is a very contemporary need.

The Hon. SARAH MITCHELL: You also talk about how the Canadian model received some criticism because the onus of proof of being a resident was up to the individual and you make comments later on in your submission that the eligibility criterion should be fair and people should be able to give oral submissions or presentations because paperwork might not exist. Can you talk about that some more?

Ms ANTHONY: Yes. We are obviously not the legal experts that you should be talking to. There is the Public Interest Advocacy Centre and you have had the Kingsford Legal service in this morning. They would be the experts in the field. We have the examples in Australia of the Tasmanian stolen generations model. The new South Australian model, which is coming into effect in the next month or so, has gone part way to addressing some of the issues that came out of the Tasmanian model and the Canadian model, and there were two stolen wages funds, one in New South Wales and I am going to say one in Queensland but I could be wrong about that.

Over and over again one of the main problems has been the lack of documentation. For some people it just does not exist. We know of a lot of anecdotal evidence where stolen generations members have gone back through archives to find their files, to find that they literally do not exist in terms of paperwork and for whatever reason their files were destroyed or just went missing the way these things do over time.

I think the South Australian model is going a long way to address this but there needs to be a way of approaching this that is not the traditional litigation model, and that the onus of proof perhaps falls on the State rather than the individual. Particularly in New South Wales the State is the owner of the records. The surviving records are in the State archives but people should be allowed to give oral evidence in lieu of any inability to provide documentation, definitely.

Reverend the Hon. FRED NILE: Has there been an attempt to have all the records consolidated?

Ms ANTHONY: In New South Wales, yes.

Reverend the Hon. FRED NILE: They are available? Were any records left in the buildings at the children's homes?

Ms ANTHONY: After 1997 and the "Bringing them home" recommendation, the New South Wales Government acted on the recommendation that talked about the maintaining of records. Whatever has been able to be located—you understand that some of these records date back over one century and when homes were closed down and they went all over the place—is kept in the State Government's archive centre somewhere in Western Sydney. I have been there. A family records unit was established within what was the Department of Aboriginal Affairs which is now part of FACS, but I could be wrong, it might be Education as things have changed a lot in recent years. That unit is tiny. It has one archivist and maybe one assistant and they are constantly struggling with the community demand and need for support to access those records. But yes, they do exist. If they exist they are maintained by the State Government and there is assistance, however limited it is, by way of funding and staff availability, for people to be helped to access the records.

Reverend the Hon. FRED NILE: Have you seen those archives?

Ms ANTHONY: I have, yes.

Reverend the Hon. FRED NILE: Are you happy with the attempts to maintain them?

Ms ANTHONY: Absolutely. In terms of maintenance I think that there needs to be some expansion of the family records unit. If the State Government is going to set up some sort of reparation model here there probably needs to be consideration for increased funding for Aboriginal Affairs to support the family records unit because they will be inundated with requests for help and they just are not going to be able to meet that need.

CHAIR: Under the New South Wales Government's response to "Bringing them home" they had an action to convene the records access task force that was under Department of Aboriginal Affairs and some other documentation. Do you know if that still operates?

Ms ANTHONY: I do not know if the task force itself operates. The Committee would have to check with Jason Ardler who heads Aboriginal Affairs. It has all changed so much in New South Wales. You will have to check with Jason. I suspect what happened is that the committee did its work, the records were gathered and are now maintained by the archivist at State Archives and the family records unit within the agency is the support service for community members to access them.

CHAIR: Does the documentation that was produced to support people—I think there was a resource kit connecting kin, a guide to New South Wales Archives relating to Aboriginal people and the preservation project—still operate and do people have the ability to access those?

Ms ANTHONY: I do not know. That would be a question for Aboriginal Affairs.

The Hon. BEN FRANKLIN: Obviously there is a lot of focus on monetary compensation and clearly that is a discussion that the Committee will have when we look at other jurisdictions, and this Committee will consider that. The Committee has taken a lot of evidence about non-monetary reparations as well. You also refer briefly to that in your submission. Will you talk a little more about what ideas you might have in the area of non-monetary reparation?

Ms ANTHONY: I think this is one for Rebecca as it is her area of expertise. We have talked a lot putting together the submission—I know everybody probably keeps coming back to it but the Canadian model is probably the most holistic model where they marry individual reparations. South Australia has a whole of community payment, I think, but there needs to be other services put into play rather than just a payment for people. There are existing Aboriginal organisations out there that already work in this space.

Ms MOONEY: There are lots of programs and organisations that have not been able to do enough work around this because they are always juggling to get that funding. So if there was funding that they knew they were going to be getting, and it was just sort of there, it was no so reliant on government funding and where that was going to come from every couple of years, they would be able to put a lot more effort and be able to support those communities because we are talking about whole communities as well, not just individuals and really being able to heal the community. I work in education so I am working with a lot of families and they are

still really affected by what has happened whether it might not be them directly as parents but their grandparents and their parents themselves. That idea of funding a whole community or certain services and things to help with that process is essential.

The Hon. BEN FRANKLIN: Will you provide the Committee with examples of some of those organisations and some of the programs that they implement?

Ms MOONEY: I think the Healing Foundation.

Ms ANTHONY: The Healing Foundation is a national body. Link-Up in New South Wales.

Ms MOONEY: Link-Up yes, those sorts of bodies. I get asked a lot because I am an Aboriginal education officer I do get families coming in saying, "We have just found out that we are Aboriginal" and those are the sorts of people we have to go to. My first one would be Link-Up, to go out and really talk to them. In dealings I have had with families and with Link-Up it has been very successful. I think they need to know that they are going to be funded to continue this process and to be able to employ enough staff to be doing that and to be working through records, especially if we are going to be going into this.

Ms ANTHONY: If they do not have to put their own staff resources into constantly putting in grant applications and negotiating for their funding, I think there are two key aspects to this: one is that there are already existing Aboriginal led and run organisations in this space and perhaps New South Wales Government does not need to reinvent a wheel that is already there, but that the Canadian example of an endowment fund that was set up to establish their Aboriginal Healing Foundation as part of its Residential Schools Settlement Agreement is perhaps something that the Government should consider.

New South Wales has a bit of skin in this game, for want of a much better phrase, because that is how the NSW Aboriginal Land Council [NSWALC] was set up in the mid-1980s, I am going to say, where ties on land taxes for a certain number of years was put into an endowment fund that NSWALC still runs. So NSWALC has its own budget. It does not have to keep coming cap in hand every budget cycle. It does not have to put staff resources into constantly chasing government funds. Some endowment fund model might be the best way to ensure that Link-Up, the Healing Foundation and the Aboriginal Medical Services, that does a lot of wellbeing work in this space, so that they know that they can just apply to fund and not constantly have to chase the dollar.

CHAIR: It is my understanding that that transfer of funds to NSWALC no longer happens. They now stand alone.

Ms ANTHONY: They are self-sustaining, yes. They operate off the interest of the endowment fund and have done for more than two decades now, probably, yes.

The Hon. COURTNEY HOUSSOS: Your point about guaranteed funding has arisen particularly in some of the Committee's regional visits. People have talked about smaller organisations that have been given seed funding but do not have the security of ongoing funding so it is a constant every 12-months cycle for them. The Committee has heard that these things and healing takes time. You have referred to an ongoing or an endowment fund but programs are generally funded through a government that has promised them for a certain period of time. In your experience what would be the minimum period of time? Is it four years?

Ms ANTHONY: I think intergenerational. You are talking about a very long period of time which is perhaps why an endowment fund is the best way to go because I do not think there is an end date. The kids that Rebecca is working with now are very young teenagers who are just as affected as their grandparents were. The incarceration rates of Aboriginal people, the rates of Aboriginal children in out-of-home care, the educational levels, the health statistics all feed in. Obviously the stolen generations legacy is a very large component and poverty plays its role as well. And the tyranny of distance for people in remote communities but there is not anyone it does not affect in these communities, so I could not give an end date, could you?

Ms MOONEY: No. I could not either. But I guess there is also the trust issue. Having worked in education it is always about trusting us with their children, trusting us with their information that could possibly help their children get that education, to get further in life and get out of that sort of poverty situation. I do not know how long that would take to get back. I have worked in my job for 10 years and I am only now seeing that trust built within my community from my position in that school. We are getting success but that is a long time

that has been 10 years. So it is a lot of work and it is a long time and I just do not know whether you could put a time on that. It is quite individual as well, I guess everyone has a different experience and every community has a different experience.

CHAIR: But that is a very modern thing. Ten years is a long time but we living in a country that has got tens of thousands of years of occupation.

Ms MOONEY: Definitely.

CHAIR: We hear the point about the breadth of programs and consideration of this issue and the time—so it is wide and it is long—to get real outcomes and to right the wrongs. Do you have a sense of how that plays out for government? What is government's interest in doing that in terms of whether to do the right thing or to get good outcomes? Is it an economic benefit to invest to stop that continual increase in incarceration rates and child removal and all those things that cause a lot of grief and angst for government which are also very costly programs?

Ms MOONEY: The reconciliation of us all coming together and getting to a certain goal is where we all want to go. It is unbelievable how much you can get from this process. Working with what we already have and what the community does is incredible in trying to heal that space. You could not get a marker on that. It is invaluable what you could get from creating this and making some good of it. I am talking about the education system because that is where I work every day. Knowing that I could go to these services and that they had the money to help these people would be great. Every year I get a parent coming to me and saying, "We have just found that we are Aboriginal." What you can do for that family and their identity and where they fit in Australia and in New South Wales would be amazing.

Ms ANTHONY: You can find an economic and argument in all of this. If an individual, a family and a whole community—we are talking about whole communities of people—do not have the same level of wellbeing and equitable access to education and health services then there is obviously an economic punishment for the Government. Those people will not be active members of our society and they will not be working and paying taxes. There is that argument, but there is also the huge burden we already know of with government funding for the justice, child protection and health systems because of the poor outcomes for Aboriginal people.

New South Wales is leading the way in terms of Justice Reinvestment. The Government is supporting the Justice Reinvestment pilot that has been established in Bourke or Brewarrina, or both, by the Murdi Paaki Regional Council. The Justice Reinvestment program is a North American model. You take some of the funding allocated to prisons to keep people incarcerated and redirect it to early intervention services to stop minority groups being incarcerated in the first place. A couple of States in America that have been running this program for 10 or 12 years are closing prisons because they do not have the same level of incarceration that they did a decade ago. The proof is in the pudding. The economic analysis of that program indicates that it saves the Government a huge amount of money. There is an up-front cost, but down the track they are savings millions of dollars because they do not need such large prisons. In Australia there would be less pressure on the health and education systems. If you spend the money now it will probably be saved later. That is the economic argument.

Reverend the Hon. FRED NILE: Your submission states that you support the tribunal model. However, you say that "there must be attempts to involve the indigenous people in groups in both the design as well as the implementation of a comprehensive program". How do you recommend that the Government do that?

Ms ANTHONY: Consecutive New South Wales governments have history in working with Aboriginal people. Sometimes it works well and sometimes it is disastrous. There are Aboriginal peak bodies in New South Wales, some of which directly work with members of the stolen generations—Link-Up, the healing foundations, the national bodies, the land councils network, and the medical services network. There is an existing structure that can speak on behalf of communities and representative member groups such as the Cootamundra Aboriginal Girls' Training Home group and the Kinchela Boys' Home group, both of which have or will appear before the Committee. We already have experts to whom the Committee can talk; it is simply a case of talking to them. The Committee should probably not follow the traditional government engagement model, which involves talking, going into hiding and doing something on your own, and then presenting it later. Rebeckah and the council would firmly advocate that the Committee pursue an engagement model that is co-designed with the Aboriginal experts in this space. If people do not own it, they will not engage or it will be very adversarial. I think the Committee can avoid that.

Reverend the Hon. FRED NILE: That is very important.

Ms ANTHONY: I think so.

The Hon. SHAOQUETT MOSELMANE: The South Australian model talks about independent assessors. Given the practicalities of having a Sydney-based tribunal, regional indigenous people would have to fly in. That would create difficulties. Would having a tribunal and an independent assessor who could go out to regional areas be better?

Reverend the Hon. FRED NILE: A tribunal could travel.

The Hon. SHAOQUETT MOSELMANE: The cost would blow out if there were 10 people travelling.

Ms ANTHONY: I do not know; I am not an expert in this space. There are things that could be considered. The Committee could look at what the South African Government did. It depends on what the tribunal is designed to achieve. If it is an assessment process for monetary compensation, that is one thing. However, if you are talking about a truth and reconciliation-style commission that is hearing stories and hopefully recording them for historic purposes, that is another thing. That is the South African model. South Africa is a large place and its process would involve travel. You would need to design it as needed. We are talking about two slightly different things, but independent assessors would be very important.

CHAIR: Does more need to be done with regard to non-indigenous education about the stolen generations? There have been school programs since the "Bringing them home" report was released, but there is a whole demographic which has not had that education and which does not have a good understanding about what happened and its impact. Do you think we can do more in that space to ensure that reconciliation works?

Ms MOONEY: We can always do more in that space. The New South Wales Department of Education is trying really hard, but it is always left to the individual school to determine what it will do and whether it will be positive. I can only talk about the schools in which I work. It is a big thing for us because we have a large population of Aboriginal students. We try to make it everyone's business; that is, it is in every classroom. Hopefully Aboriginal histories are represented in the majority of our lessons. It is not so much about content but also traditional learning styles and things like that. We are always working very hard to do that. There is always a space for that and we could always be doing more. It is up to the teachers how they will present that information. Everybody will be sharing knowledge around this space if we do something like this. It is something that everyone becomes easy with. It is a hard subject to talk about and many people are worried about whether they know enough.

Ms ANTHONY: They also wonder whether they are saying the wrong things.

Ms MOONEY: Yes. Do they have an Aboriginal student in their classroom who might take offence at what they are saying or what they are teaching? Then there is the other side of things where people ask why we are still talking about this stuff.

Ms ANTHONY: There could be resource kits. The Department of Education could have a resource kit to give to teachers. Teachers have it hard anyway and there is so much packed into the curriculum. They have to put their own lessons together and a lot of them are probably not doing it because they are scared in this space. A co-designed resource kit for teachers would probably make it easier.

CHAIR: Is there not? I understand there is a kit.

Ms ANTHONY: Is it about stolen generations?

Ms MOONEY: We do talk about it and there is, but those sorts of kits quickly become outdated. A lot more probably needs to be done around that because we are always changing. Teachers work very hard. It is up to the individual school. Many people still think that because they do not have an Aboriginal child in their school they do not need to teach this and that it does not need to be a focus. That is where things need to change. These things happened and they need to know about them. If it is done at a State level and it is something that everyone is seeing on many levels, that is when it will shift in education.

Many young teachers know a lot more as a result of the apology and other things that have happened in the past. They understand that and are bringing up those things in their classrooms. It is changing, and I have seen that happening in the past five years in my job. We have Aboriginal education teams that do not talk only about Aboriginal students but also Aboriginal education for all students. There is that shift. However, a kit and those sorts of things need to be put together after consultation with Aboriginal and non-Aboriginal teachers.

Reverend the Hon. FRED NILE: Do you support having Aboriginals on the tribunal?

Ms ANTHONY: Absolutely. There should be senior Aboriginal elders and leaders. The good thing about New South Wales as the first point of contact is that we have senior Aboriginal lawyers here. We have everything we need in this State. There is a very large Aboriginal population on which to draw and endless expertise. We will not be scrabbling around trying to find people. Not that that would be necessary in any other State, but I am partial to New South Wales.

The Hon. SARAH MITCHELL: So are we.

CHAIR: The quality of the information and the engagement we have had with this inquiry has been incredible. People believe that this Committee can lead the way in changing the way the Government delivers.

Ms ANTHONY: It would be not only very sad but also very damaging for Aboriginal people in New South Wales and members of the stolen generations if nothing comes out of this inquiry. It has been almost 20 years since the "Bringing them home" recommendations and since the Carr Government offered an apology on behalf of the New South Wales Government. To raise people's expectations and then have nothing come out of it would be devastating. Our very firm advice is whatever you do, do it quickly. There are very elderly members of the stolen generations in dire financial, emotional and health situations. This would be of significant benefit for them. We are also losing their stories. If we do not do something soon it will be a shame.

CHAIR: Thank you for appearing before the Committee. If you have taken questions on notice, the secretariat will be in touch with you. If anything else comes to mind later, please do not hesitate to forward it. The Committee would be happy to receive additional information. We also invite you to tell anyone who may not be aware of the inquiry that the Committee is accepting submissions until 10 March.

(The witnesses withdrew)

CORRECTED

NATHAN MORAN, Chief Executive Officer, Metropolitan Local Aboriginal Land Council, affirmed and examined:

JAMES SMITH, Member, Metropolitan Local Aboriginal Land Council, and

ANN WELDON, Board Member, Metropolitan Local Aboriginal Land Council, sworn and examined:

CHAIR: I thank you all for appearing before the Committee today.

Mr MORAN: I am the son of a woman who was in the Cootamundra Aboriginal Girls' Training Home.

Ms WELDON: I am a Wiradjuri woman. I am a board member of the Metropolitan Local Aboriginal Land Council, a mother and a grandmother.

Mr SMITH: I am a Wiradjuri Koori from Erambie Mission outside of Cowra, which is the same mission that Ann comes from.

CHAIR: I invite you to make an opening statement.

Mr MORAN: First of all, I thank the Committee for the opportunity to be here today to give evidence as the Chief Executive Officer of the Aboriginal land council which covers this very Parliament. I will speak more later; I will ask Ann to commence. I acknowledge today that we are standing on Gadigal clan country of the Eora nation and pay my respects to all elders. To the entire Committee I say thank you for having us here today to talk about a subject that has never really been discussed, sadly, in our history. We really feel this is a necessary discussion to have and certainly welcome it. I will hand over to Ann now. Uncle Jimmy will then speak and I will conclude.

Ms WELDON: I also thank the Committee for having this inquiry, because it is certainly an issue that we have actually tried to lobby government about. People need to see it for what it was—that particular era of our history. First of all, I want to make all of you aware that I was born in the early 1950s in Cowra hospital in the segregated section of the hospital. So my mother actually gave birth to me in the segregated section. Prior to that, going back a generation, a lot of our grandparents actually gave birth to their children on the river bank or under a lovely tree somewhere. The delivery was done by a traditional Koori balang who came and knew when those children were going to be born.

As a child who grew up under the regime of a mission manager, my mother was taken to the hospital; and that is where she gave birth to me and my sisters. We grew up on that reserve. I should have counted up the number of mission managers that we had. They were there on that reserve up until about 1968—I think they left after the 1967 referendum when we were granted the right to be classified as human beings in our own country. As a child growing up, the beauty of the reserve, as bad as people may think it was, was that at least we were all together. We were lucky to grow up with family—although that family was always under threat of removal, and I experienced that first-hand.

Going back to the early 1900s, my grandfather was removed. He was taken away from his family. My grandfather's name was Paul Joseph Coe. Gramps, being born in the traditional way under a gum tree or a willow on the riverbank, did not really know his birthday; but it was somewhere around the early 1900s or late 1800s. Sadly, his mum died when he was a little boy. But his dad cared for him and his brothers and sisters. In around 1904 or 1905 they took my grandfather away from his dad. Non-Aboriginal people call Canowindra Canowindra. But the old people called it "Cano-windra". My grandfather went to live in "Cano-windra". For people who do not know it, Canowindra is a beautiful town not too far from Cowra.

My grandfather's dad was a drover so he worked with sheep and cattle. He got a job and he left the younger ones there in the care of a lady. Welfare removed my grandfather and put him and his brothers in the Salvation Army home in Canowindra. They took my grandfather from there to the Mittagong boys' home. Gramps was then taken down to Bomaderry. He was never aware of where uncle Les and uncle Cecil had gone. So gramps ended up in Bomaderry. When he was older he was placed on a farm in the Southern Highlands to work. My grandfather worked there until he was a young man, and then they gave him his freedom where he

could leave that family. He went back home to Cowra, married my grandmother and the rest is history. He had his family. The whole time gramps worked there he never got paid.

He certainly made me and my sisters aware of exactly what happened. He told us. He never spoke out in public. My grandfather was a true Wiradjuri man who had a lot of dignity. But he certainly shared his hurt and his pain with us his grandchildren and his own children. The major thing that my grandfather was grateful for was the fact that he had a roof over his head. He had food, he had clothing and he was actually taught to ride a horse. If you look up Jimmy Calligan in the history books—Jimmy Calligan was Paul Joseph Coe senior—you will see that he was a brilliant horseman. He made money out of riding horses. The whole time my grandfather lived with this family and was put out to work he never got paid a cent.

The harshness of racism and the reality certainly had a profound impact on all of us, and I am talking about his children and indeed his grandchildren. That is why my family have been heavily involved in taking this fight forward, and we certainly have done that over the years. He suffered. He certainly did not show that suffering to others but he shared it with us. The tragedy is that he was never paid. In the end when he was able to go back home, and he did, he married my grandmother and he used his skills as a brilliant horseman to win money and worked to provide for his family. That was what our grandfather instilled in us as well—that if you work hard then you certainly will be able to achieve what you can, given that society allows you to do that as an Aboriginal person. So that is the sad reality of my grandfather's fate.

I also want to make the Committee aware that that past system certainly has left a major scar and a burden that we have had to carry because of the indignant treatment that we received as Aboriginal people. As a Wiradjuri balang living through that, suffice to say it made me stronger and more determined to ensure that we do not go back there and we do not allow that to happen again. I wanted to share with the Committee the fact that that happened to my grandfather. We were forced to live in a small part of our country. We were forced—there was no control. We had no say over where we could live or where we could go. The manager controlled us and when we could or could not leave the mission.

My father was lucky enough to get a job. He was a fitter on the railway. I need to tell this story. My dad worked as a labourer on the railway. He actually insured himself. He took out insurance—it must have been because of the union that my dad was a part of as a labourer in his day. By the way, for him to get that job he had to get permission, just like my grandmother did. They had to get permission from the mission manager to go out to work. So they had to get their permits or approvals. Sadly, my dad died on 1 January 1960. He left behind his wife, me and my four sisters. Within 24 hours, and the records reflect this, the mission manager of the day had actually advised the head office of the Aboriginal Protection Board that there was an insurance claim my dad had and that what needed to be deducted from the insurance claim was unpaid rent. So within 24 hours of his death on 1 January 1960 the authorities did that.

I raised that issue, and no doubt you cannot undo what was done at that point in time, when they had the inquiry into the child endowment that was retained. It was brought up at the time when my sisters and I went before that particular committee which looked at the child endowment payments that were handed down. We asked at the time that we be given the appropriate interest, and it had to be compound interest as opposed to whatever interest the government thought it was going to give us. But it did not happen. So that is just something I want to share with you. No doubt the Committee has heard evidence from other people and they have shared their experiences with you. But I am talking about the level of insensitivity, and more importantly the insult and the indignant treatment. It is something that has continued on. It continued on for my mother and myself—as it had for my grandparents, my great-grandparents and my great-great-grandparents. We have certainly made sure that we are not going to allow that to happen to my grandchildren.

CHAIR: I certainly do not want to be disrespectful but I should say that we do have limited time. It is so valuable to receive your information but we were hoping to get to the point of asking questions as well. We certainly provide every opportunity for submissions to be made as well if you have any written submissions or documentation. Feel free to take your time but I just felt the need to say that because I know Committee members find it very valuable to be able to ask questions.

Ms WELDON: I would also like to make the Committee aware of the fact that I did submit a letter. That letter stated the concerns of my grandfather. It was done in reference to my grandmother, Edith Coe nee Murray, and Paul Joseph Coe. I requested then his stolen wages. I raised that particular issue. It went to the Department of Community Services inquiry into the child endowment that was maintained or kept for and on behalf of Aboriginal people.

CHAIR: And that issue has been brought up in this inquiry. It is really interesting how many people are telling us that they did not know about the opportunities available. It is a relevant issue.

Reverend the Hon. FRED NILE: Thank you very much for what you have just shared with us. You mentioned that there was a segregated hospital in Cowra. So did they have one ward for Aboriginal mothers and one for white mothers?

Ms WELDON: One section of the hospital, yes.

The Hon. NATASHA MACLAREN-JONES: You spoke about your grandfather working in the Southern Highlands. We have heard quite a lot about these workers not receiving wages. When a child was placed to work for a family, did the family give money to the State Government or what was the arrangement?

Ms WELDON: I do not know whether they paid the Government. If there was any payment, it was made to the Government or the Government appropriated any payments. But the records from Bomaderry would reflect the circumstances of my grandfather going over to that family. In fact, Peter Reid interviewed my grandfather and Gramps shared his story with Peter. He also gave the name of that family, but of course my grandfather had respect for them and spoke about them fondly. Those records are there so there is written evidence about when my grandfather went, how long he stayed there. What he told us was handed down orally. When my grandfather shared that information, it was always in the still of the night because that is how old people handed it down. They were afraid of the manager walking in and were told not to do certain things.

The Hon. SHAOQUETT MOSELMANE: A number of recommendations for reparations were made in the "Bringing them home" report. In terms of your grandfather's sufferings, what form of reparations would you like?

Ms WELDON: Me personally, I do not want money. You cannot pay me for it—I do not want to cry. He certainly never cried. He possessed a lot of dignity but it was the treatment. As I said, it must never happen again—never. You cannot remunerate us; it would be nice for him to have a beautiful headstone and it would have been lovely if money had been appropriated so we could set up scholarship funds for our kids so they can achieve. Personally, I do not want money from anybody because we got our grandfather back. To a degree, what he was forced to do made him resilient and stronger. He certainly was determined and that was instilled. There is no great secret that Paul Coe is my brother-cousin. That is what comes through and it gave us the will to win and the determination to challenge and take things forward.

Mr SMITH: I am the cultural tourism officer at the Metro Local Aboriginal Land Council. I am fourth generation James Smiths. It does not really matter who I am in this context because this affected all the Koori people right across this State and, indeed, right across the country. As a result, the bulk of us are on welfare now and we have been done out of an education. So many of us are suffering: 90 per cent of my peer group are dead as a result of ongoing welfare.

My grandmother was in Cootamundra girls home. My mother was married to my father and he died at work on the railways, which was probably one of the things. Koori men built New South Wales railways, same as Chinese did in America. It is through a lot of hard work that the State was built on the backs of Koori people. We built towns. The ongoing fallout of keeping money away from us is having devastating effects. As I said, most of my peer group are in the Cowra cemetery. It is painful to look around and realise all your cousins are no longer with you.

The process that colonialism has put us through has had devastating effects. A big part of that is economic oppression and it still goes on. We cannot get jobs; the lucky ones do get jobs. As we were talking about coming here, we are expected to be like white people and yet we have no culture or paradigm of who we are and our ways should not be talked about. It is like going to school—you leave your identity at the school gate and had the rest of the Koori beaten out of you by teachers who were driven more by ideology than being true to their profession. So school has a lot to do with this process. This starts in preschool and goes right through to university, but the bulk of our people do not even get through high school. They finish up in the criminal justice system or on welfare. Economics is a powerful tool for everybody and keeping wages away from our people contributed so much to that process.

As I said, my grandmother was in Cootamundra girls home and it was not until the last couple of years that the Department of Aboriginal Affairs came forward and offered payments of about \$11,000. I was lucky to be in Sydney at the time it was going on so I could go to Redfern and talk about my family's moneys that were stolen from us. Luckily we got that money back for my mother before she died. She died last year, so that was a great thing, albeit the wages owed counted up to a lot more than \$11,000. It was up to \$100,000-plus, so this has an ongoing fallout for all Koori people in this state.

Ms Weldon said she does not want financial reparations. That is fine—however, we do want atonement and we certainly want justice. If financial reparations are part of it, and they certainly are, we definitely want this to allow us to create our own framework where we can get our people in communities employed or to finish high school and into universities to allow us to get on our feet economically, mentally, physically and spiritually so we can be fully functional people. We are awesome people: We survived colonisation by the British and this is no walk in the park, I tell you. It is a major workout and a lot of our people are dead. We continue to die right across this country. This is big business and it has happened since the Europeans first came here, just down the way at Sydney Cove. We certainly want reparations to be administered correctly so corruption is not allowed to find a place in our communities. This is a thing that happens where there is poverty and money is scarce. Greed and selfishness were never a part of our world and that is one of the reasons we have lived for so long. Capitalism is another story. I thank you for allowing me to speak to you today for this short moment in time.

Mr MORAN: I pay my respects to the Gadigal and Eora people whose land we stand upon. I am a Biripi Dainggatti. I originate from the mid North Coast of New South Wales. My mother is Wilma Moran, or Wilma Holton as she was known when she escaped Cootamundra successfully. I wish to talk about the impact of assimilation and removal on my family and the broader policies of the Protection Board and the Welfare Board, its replacement agency. Five generations of my family have been affected by the removal under the racist and evil doctrine that we would be bred out to save us. The Moran family goes through the Symes family, a first contact name, the Ritchie family, and from my grandmother and grandfather predominantly Halton, Davis and Morris. My mother was born in 1948 in the little township of Kempsey, in the Aboriginal section in a very similar situation to Cowra. She was born on the balcony, the Aboriginal section of the Kempsey hospital. Everything was marked with an A: every sheet, every teaspoon, every utensil, as my nan would remind us.

Unfortunately that young child was never given the opportunity to live and grow amongst her people, free to be who she was and who she rightfully should be, a Biripi Dainggatti person. At four years of age my mother had the indignity of being placed in Cootamundra. My nan made the tragic mistake of visiting her sister at Redfern in Sydney and at Botany Road they had the Welfare Board knock on the door—the police first—to inform her of their awareness of her being in the town. It was not approved: of course, the Welfare Board required you to have permission to leave. The irony was this woman's husband had fought in Papua New Guinea. My grandfather left Kempsey at 17 years of age. He lost his uncle Dick Archibald, who is the subject of a movie I am proud to say has come out about the truth of our men's fight and commitment to the Second World War, predominantly for the Kempsey Dainggatti community. My pop come back as an independent commando of the 2nd, 9th and 18th battalions. They seized the first victory against the Japanese. What happened when he come home? He was given no land, no pension but he was sent back to the mission. He went fishing—that is what we do, we survive off the land. We cut timber, we fish.

Unfortunately, when doing that seasonal-type work you must leave and you go for months on end, be it to cut timber in non-fishing periods or for fishing out at sea. In that time my nan came down to visit her second-eldest sister, Betty or Elizabeth O'Brien as her married name was. The moment she arrived the police had been tipped off and they knocked on the door and asked her either to hand the kids over or they would take them. That was my mum's journey. My mother, along with her older sisters Elizabeth, Jane, Ann and Marion were all taken from Botany Road and placed at Cootamundra. It was a pretty weird journey for my mum as a four-year-old. When she got to Cootamundra she got to meet all of the female siblings of her mother. They were already there as they had been placed at Bomaderry as infants and then to Cootamundra. That is where my mum, in her peak learning period, was placed.

The horror in the history of that place still has trauma that affects our family today, particularly my mum. My mum is the chair of the Cootamundra girls but she will not talk about her story. She would prefer someone like myself or others speak for her because four years of age is a very impacting time for the rest of your life. I will cut to the good story as by nine years of age she had her third attempt to break out of Cootamundra and she done it. She left with two young girls and they were not even from her tribe or family—they too just wanted out. That was the start of my mum's life.

I had no idea about this life until I was in high school and I found this songbook called *Took the Children Away* by Archie Roach. On the front cover is a child who looks remarkably like me and my children. That was my mum. Immediately I went, "Mum, what's this?" she said, "That's at Cootamundra." I said, "But what is it?" She explained very minimally that this was a home she was placed in, or forced in, where she had seen people die and be stuffed down wells—I am sure you will hear this from the ladies themselves.

This took place in an institution where they were teaching our women to be deculturalised, teaching them to be house slaves. The effects and the trauma of that have remained with my mother to this very day. This morning I spoke to her before coming to front this Committee. Unfortunately, her brother passed away yesterday so she could not come down. She said, "I'd prefer you talk about it, son." I am the baby boy of five children. What she wanted me to highlight was: one child died; four remain. Two of those children have had all of their children removed from them. Unfortunately, three years ago my niece, her granddaughter, committed suicide when her child was removed from her at Tweed Heads.

We now face the problem of being modelled. Predictive models are used. When we have children the hospital and DOCS discuss the names. They exchange information and they check files. When it happened to my niece, Alinta—sadness to her—unfortunately they investigated to find out that her father's name was Desmond, my brother. He is in jail today. He was removed from my mum at four years of age when she went to work at Port Macquarie. He was sent to Boys Town from Port Macquarie. That was in the 1960s. Unfortunately, my brother suffered the indignity of being put into a home that was for criminals, for juvenile offenders. From four years of age he was placed in institutions and in and out of homes and families. He never stayed any place longer than six to 12 months. He spent 12 months in the homes. He has just hit 50 years of age and, unfortunately, he has never spent more than three years of his life outside an institution.

He lost his daughter for the indignity of her having a child to a non-Aboriginal person, whose parents raised concern about our ability to raise our children. They found out her father was in jail. For DOCS to pull the file out and state to my niece that they were aware that she had a long connection and history with DOCS highlighted all the problems. Until that point, that young girl had never come to the attention of DOCS. Her mother and father had done well in raising her and sending her to school. She completed school. She excelled. Unfortunately, when she had a child and someone raised an allegation the response was very different from that given to the average Australian. They went into who her parents were, who her grandparents were, then they placed that child with the non-Aboriginal parent. That non-Aboriginal parent is a diagnosed schizophrenic. My niece committed suicide after appealing the decision and being told that she had no rights and she would have to go through the Family Court if she wanted to fight for custody of her child.

That is what my mum wanted to bring to the Committee's attention. What has happened here—colonisation—is the most evil thing that any first nations can suffer. What we want to make clear to the world, not just this place, is that we have faced the worst form of colonisation, something that built upon the learnings in Canada of the reservation homes and the American institutions, the homes for the natives there. Here you did not just keep us in reserves and missions; you took our children, shipped them 800 or 1,000 kilometres away and taught them to be slaves. You used them as indentured labour.

Prior to the institutions we were indentured labour on the farm next to the mission. I am glad Ann touched on that. That happened to my great-grandmother, Ada Amy Davis. She was taken from the reserve at Rollands Plains and sent out as indentured labour. There is a famous photo of my aunty, Clara Donohue, standing at Rollands Plains. That is her first cousin. She too was taken. That photo is evidence of girls aged 10 to 12 being shipped to the local farmer to be their indentured slave then returning to the reserve mysteriously binjil, in my language, or pregnant, in English.

That was my grandfather's experience. My grandfather had to live with the indignity of being the lightest-skinned traditional man in his tribe. Everyone who looked at him knew. They said, "Wait a minute, look at you! You are the lightest-skinned blackfella but—whoa!—you speak six languages. You are an initiate. How is this?" That is the reality of the stolen generations for our mob. I say that with great sadness.

Nanna Ada's parents endured the war. They lived in open colonial war until 1880, when Rollands Plains reserve was opened. Within one generation our family suffered the indignity of having rape and indentured labour forced upon us. That has never gone away. Unfortunately, the child of that woman was born and he went and served in the war, and then his child was removed from him and his child had her children removed. We are now into the fifth generation of removal. It is in everyone's interest to end that, to deal with it, to face up to the fact that Australia used indentured labour of first nations people to build the assets that it has

today. We have not had our fair share, if any share. As my old people used to say, "Not one iota has been paid, in reality." That was said by this country's first inventor, David Unaipon, in his calls for justice.

This State should lead the way. It created the policies that other States followed. The rabbit-proof fence brought anger to my family. My mum escaped from Cootamundra and got to a place called Tacking Point, at Lighthouse Beach, Port Macquarie, as a nine-year-old child. This was happening all over the country, not just in Western Australia and not just in some fanciful one-off film. This was commonplace. It is the story of every average first nations person.

I thank you all for taking the time to hear us. I believe it takes a mixture of reparations. The reason that we are in such an impoverished way is that we never had the entitlement to things that we earned. That happened from the first interaction, from the taking of our family estates and the selling of our estates to become freehold title. Then to be forced to work and receive no money, no payments, tells you that there is a problem. I want to make it clear to you that your laws prevented us from being paid. The mission manager got the payment. My old people fronted parliament in 1938. They highlighted that. They were the Davis family. That was my great-grandfather and his brothers. They came here to talk about the how the Queen gave us land, you took that from us and you forced us on to a reserve and then you took that off us.

Unfortunately, what they did not get to tell you at that time was that all their children were being decultured, being assimilated. That is the most evil thing you can do. You can take our land, you can take everything, but once you take our children and you remove their identities there can be no sicker process on the face of the planet. I thank you for at least having the maturity to deal with it. I respect that. Hopefully, before my mum dies, her children and grandchildren can put this to bed so that we do not need to get to a point where we are emotionally upset—sad, glad, mad and bad. It is just a matter of when, as the old girl told us. It would be good to get this off our chest once and for all, without people saying, "That did not happen. Australia was settled." The truth is much different. Thank you.

Reverend the Hon. FRED NILE: I am sorry and ashamed for what they did to your former generations.

Mr MORAN: Thank you.

Ms WELDON: Listening to Nathan talk about how they were indentured reminds me that Gramps used to talk about getting up and having to milk the cows, getting the cows ready for the family. It would be pitch black outside and he would have to milk the cows. He got to learn how to milk a cow so that they could have fresh milk. They would get up before the sun came up and they would go to bed after the sun went down. It was slave labour.

The other thing that you need to be made aware of is a subject that Nathan hit on. A member of my family was the illegitimate child of my great-grandfather's sister, who was sent out to work on a farm and came home pregnant, like many others. The biggest joy that we have is that that uncle was one of the leaders on our reserve in my time. I remember every mission manager that we had in Cowra. By the way, the worst one we had, the one we felt most insulted by, was

. We lived through quite a few. This incredible uncle, whose name was Ernest Whitty, was the result of an illegitimate birth and he took the wealthy landowner's surname.

CHAIR: Thank you. We so appreciate your very moving stories. We have been travelling around the State. We are doing more. We are going to Broken Hill and Walgett next week. We are going to Nowra in early March, to the Bomaderry home. We have visited these places and met with people who have lived through the experience of being in these institutions. It has been a really emotional and important time for all of us. We are hearing consistent themes and stories. It will make a difference.

Mr MORAN: Thanks, Jan.

CHAIR: Thank you so much for making the time to talk to us. I encourage you to advise other people that the Committee is still accepting submissions. We are collecting stories and suggestions about what can be done to make the future different. The Committee would like to hear about any programs that are working well, things that you feel are positive moves. That will help to guide our directions and what comes out of this.

Ms WELDON: I am sorry to interrupt, Chair, but, please, they are not stories. They are facts.

CORRECTED

Mr MORAN: We are sharing our histories.

CHAIR: We have been told by so many people that they are their stories. We are also struggling with the terrible dilemma for non-Indigenous people of knowing how to represent, how to engage and how to communicate appropriately.

Mr MORAN: You are speaking in the newest language of the world. I take my hat off to you. I have an Irish father who speaks Gaelic. I have a background of knowing how words can be confusing. I did not touch on the Kinchela Boys' Home. My uncles went there. I am sure you will hear from them.

CHAIR: We have been there. We have met with them.

Mr MORAN: They will fill you in on the male side of the story.

CHAIR: The Committee knows that this is really important. We appreciate all the input. Thank you so much.

Ms WELDON: Thank you very much.

Mr MORAN: Thanks to the Committee.

(The witnesses withdrew)

(Luncheon adjournment)

DEBRA HOCKING, Post-graduate Program Coordinator, University of Wollongong, affirmed and examined:

CHAIR: Ms Hocking, thank you for being with us to talk about this important issue.

Ms HOCKING: I was thinking on my way here it is a bit like doing a live interview. I have no idea what you are going to ask me, but that is all good—I am sure you will be kind to me. I descend from the Mouheneenner people of south-east Tasmania. I am a stolen generations survivor. I will not go on because I do not want to double up if you guys already know that stuff. Currently I am Post-graduate Program Coordinator with the University of Wollongong. I work for the School of Medicine and I coordinate their postgraduate Indigenous health subjects.

CHAIR: Are you happy if we start the questions?

Ms HOCKING: Yes.

CHAIR: Great. Who would like to start?

The Hon. SARAH MITCHELL: I know you said you do not necessarily want to make an opening statement but is there anything you want to tell us? What do you think the Committee should be focusing on, in your view? And from your experience when you were here a few years ago, is there anything from that in the subsequent years that you think we should be aware of?

Reverend the Hon. FRED NILE: What can we do for the stolen generation?

Ms HOCKING: You are probably aware that in Tasmania we did a compensation scheme. That was quite challenging for us and the Premier to actually put that together, because we had all the challenges of what happens when you give people a lot of money. Does it feed addictions? Will it do this or do that? So we went through all of those ins and outs of the benefits and challenges of delivering compensation to the stolen generations. I am still of the firm belief that one of the starting points is looking at the recommendations of the "Bringing them home" report. To date I think—I could be wrong—only eight or nine have been implemented. We need to go back to that report that was tabled in Parliament in 1996 and start looking at the recommendations. I have travelled around the country and as I visit parliaments it has gathered that much dust, because other things happen. I get that. But you are asking me what you can do and I suggest that we start looking at the recommendations and trying to get them implemented, particularly in this State.

CHAIR: We actually have a New South Wales State specific response report to "Bringing them home". That is one of the issues in our terms of reference to look at that and the programs that are identified—whether or not they were successful, whether they are still operating or whatever. We are trying to do a bit of an audit.

Ms HOCKING: Great.

The Hon. SHAOQUETT MOSELMANE: What form of reparations do you think are appropriate?

Ms HOCKING: Governments do not know how to heal; they cannot heal people. So you look at the ways of perhaps providing services with counsellors and so on. But from my research and other quite recent research we are looking at the trauma that survivors have undergone. It is complex, it is compound and it is unresolved. So I am going to give my program a little plug, if you do not mind. In July I am running Australia's first Indigenous trauma recovery program through the University of Wollongong. What we have done with that is develop a curriculum that is developed by Aboriginal people for Aboriginal people. We are going to start hitting some of the real hard stuff, because we have evidence now that tells us that the compound, unresolved trauma can lead to chronic health conditions, to behavioural problems and to many of the other social issues that we have—incarceration and stuff like that.

Even though when it was suggested that we research it I thought, "Research? It is the most researched group in the world." But this was really good research. And we now have an evidence base so we can run this program based on that evidence. It will mostly be Aboriginal pedagogy but we will be using some mainstream medical aspects of it as well. But mostly it is for our people and it is to start even admitting that we are suffering

it and trying to understand it and the impact that it has had. It is for stolen generations but it is for all Aboriginal and/or Torres Strait Islander people, because—

The Hon. COURTNEY HOUSSOS: Sorry, can I just ask you: Is the program aimed at survivors, at Aboriginal people or at educators?

Ms HOCKING: Everybody. We believe that it has to be a united front on which we do this, because over 50 per cent of our people see mainstream services. Since it has been open for applications I have received applications from psychologists, lawyers, policemen as well as elders—of course, importantly—from our mob. So it is about not just doing a one-off thing and then walking away saying: "We're all healed; we're all done." No—we are there for the hard yards. To my way of thinking in observing over the last 30-odd years, I think it is a pretty good place to start.

The Hon. NATASHA MACLAREN-JONES: So it is for anyone who has experienced trauma or deals with victims of trauma—not specifically for stolen generations, just anyone?

Ms HOCKING: Yes. With the stolen generations there are more layers of trauma, but even if you are not stolen generations there are still a lot of layers of trauma anyway. So it is for everybody. I have some people ringing me saying, "Look, I do not understand what all of this trauma is about. I experience it but I have not named it." So we need to name it and we need to own it—start addressing the impact that it has had and start trying to resolve some of that transgenerational trauma that is passed on. I passed it on to my children—not knowingly or deliberately. Those are the things we want to start talking about and the incidence of family violence and incarcerations. We can lead it back to accounts of trauma. It is scientifically proven now. I do not want to go to the scientific way, but that is the evidence that we use.

The Hon. BEN FRANKLIN: What else do you think we can do to address intergenerational trauma?

Ms HOCKING: We have to understand the pattern that it follows and how it is transferred. As I said, unknowingly I passed it on to my children. I would never have done that deliberately. So it is raising that awareness of parents that have suffered trauma and are transferring it on to their children—the parents understanding, being aware of it and dealing with it themselves so that it is not transferred.

The Hon. SHAOQUETT MOSELMANE: Where do you categorise partners? We talk about transgenerational trauma with kids. We had an instance yesterday in which the father was a stolen child and the mother was not, but she would also have been traumatised. How do you address her concerns, her issues and her trauma?

Ms HOCKING: I guess part of her trauma may be understanding it and owning it. There are different degrees of trauma. Of course not everybody is traumatised the same. It may be a partner, it may be a friend, but it is transferred. That is the transference that we want to talk about and understand. Whether the partner has been directly involved, there is still the transference of trauma. It is traumatic in itself. When I was with the Healing Foundation, probably 15 years ago you would not even say the word because you would get laughed at. But what I have observed over the years is that once you have named something, like lateral violence—family violence instead of domestic violence—you start naming these things and trying to understand them more clearly and take away the stigma from them. A lot of the problem with stolen generations is discrimination as well because of lack of understanding.

CHAIR: We had Richard Weston as a witness yesterday. We have had a lot of people come forward and talk about healing and the need for healing centres in a broad way across the country to create local opportunities for people to come together and do collective healing. We have received some great information. We also had Gnibi college here yesterday. Does the University of Wollongong work with Southern Cross and their unit there—Judy Atkinson and those people?

Ms HOCKING: Judy is not there anymore. Judy is actually on faculty for this new program.

CHAIR: Oh, is she?

Ms HOCKING: Yes.

CHAIR: Great. Okay. Professor Norm Sheehan was a witness yesterday. We are getting a good understanding about the programs that are being operated and how they are reaching out to people.

Ms HOCKING: That is right. My program takes nothing away from what is being done around the country. There is some fantastic work, but in some ways it is done in isolation. I hear about these great programs and I think, "Who else knows about these?" What I am hoping this program will do is bring those people together and have one yarnning room where we can say: "Oh, is that what you do?" and stop working in isolation, because it is not helping. They are still achieving a fair bit—do not get me wrong—but I think we can achieve a lot more on a collective basis rather than in isolation.

Reverend the Hon. FRED NILE: Thanks very much for appearing today. The trauma issue is very important. As you were in Tasmania, have you done any evaluation of the Tasmanian system of helping provide money back to the various people affected—those who were from the stolen generation? I noticed in another report that 151 people applied down there and 45 were rejected. That is why this assessor idea, who I assume was a white man—

Ms HOCKING: It was Ray Groom. He was an ex-Premier of Tasmania. He was selected—

Reverend the Hon. FRED NILE: He is not Indigenous though.

Ms HOCKING: No, he is not. And to be quite honest with you, when it was announced that he would be the person to do it I thought about it and I thought he had done so much work with the community and he had seen so much. I spoke to Ray as an independent assessor on many occasions and I would not have changed it. I think it worked well. You need to have somebody that has a clear and deep understanding of what has happened and how it impacts on our people. In my eyes, Ray did. I was happy.

Reverend the Hon. FRED NILE: He is not Indigenous.

Ms HOCKING: No.

Reverend the Hon. FRED NILE: Do you think there should be an Indigenous person involved in, say, our New South Wales program, on a tribunal?

Ms HOCKING: My only thought about that is I think it should be joint. If you have an Aboriginal person who knows the community and has to do that job of selecting who gets it and who does not, that is a terrible place for a person to be in and it would be further divisive. But I think if it was a shared role with somebody like Ray, somebody could be good cop and somebody could be bad cop. That is the way I would do it.

Reverend the Hon. FRED NILE: Thank you.

CHAIR: We have an extensive submission from the Public Interest Advocacy Centre [PIAC]. They have been advocating for the tribunal model for a long time. We have had questions and input this morning that it is different from what South Australia is doing. So we are trying to get a bit of an understanding about different models both interstate and overseas of ways that work. Getting feedback about any analysis of the pros and cons of different systems helps us in terms of putting something forward.

Ms HOCKING: Yes. Previously—not all that previously—I think we were mainstreamed. It was one size fits all. Even with research, medicine, everything, I think it was easier for the Government to say, "Everybody is the same." I am telling you now they are not. The communities are very diverse, from Tasmania to Western Australia and so on. The Government says, "We cannot do all different things. We have to do one thing." And I say, "It will not work; It simply will not work." It is a longer way and it is a harder way, but it will work better. I hate to say the word "consulting", but I say "meeting with community".

The Hon. BEN FRANKLIN: There have been a lot of discussions about that.

Ms HOCKING: Yes—a very overly used word.

CHAIR: We have had a lot of representations about whether they like consulting, as it is done, whether it needs to be called genuine, whether it is really about engagement, negotiation. What we are hearing is that

there needs to be more listening and development of programs from a local community so they can be different to achieve a goal, but they need to be locally identified and designed and appropriate for each community.

Ms HOCKING: That is right.

CHAIR: We are receiving that message really strongly. When things are consistent it makes it very clear.

Ms HOCKING: You can have consistency but you can also have difference. Your processes can be consistent but allow for—cultural differences between two closely geographical communities can be so different. I know it has been said to me by the Federal Government, "How can we possibly take everything like that into account?" I said, "Do not try to do a big picture. Do it on each community." It takes time, I get that. The way it has previously been done it has not worked and it will not.

The Hon. COURTNEY HOUSSOS: You were obviously closely involved in developing the Tasmanian system. What lessons are there for us? Could you say what are the three best things about the system and what are the three things we should do differently in New South Wales?

Ms HOCKING: To be honest, I do not have any negatives. I only have positives. Personally, receiving the letter from the Premier, a personalised letter—we all got personalised letters. It was not a standard rubber-stamped letter. That touched my heart much more than the cheque that came with it. It was that acknowledgement. In his words—I was going to bring the letter and submit it for you to read and I can still do that.

The Hon. SHAOQUETT MOSELMANE: You can still do that.

CHAIR: Yes.

Ms HOCKING: In effect his words said, "This is not to replace what you have lost; we cannot do that." The words were just so powerful. I spoke to other people who had received the same letter and we all agreed, wow, it was very powerful. What I thought personally was I do not feel right about taking this money. What am I going to do with it? What does it mean to me? I talked about it with an elder and her words were, "Deb, you have had a lot of tragedy in your life, a lot of unhappy memories", and she is right. She said, "Why don't you create a happy memory?" I thought, "Wow." That turned it right around.

CHAIR: They are wise words.

Ms HOCKING: Yes, wise words, so I split it up between my kids. I used the same words as the Premier, "This is not to replace what you have lost. Buy yourself something special with this. Buy yourself a memory."

The Hon. SHAOQUETT MOSELMANE: You talk about powerful words. We heard these words from the previous witnesses: de-culturalisation, slavery, scarring, rape, insults, humiliation, indignity. These are very powerful words that describe what these people have suffered. How do you address the trauma they have gone through given the way they depict their experiences?

Ms HOCKING: At this point I would talk about the meaning of resilience and how powerful it can be. I hear stories, but then I see people who have the tragic stories have—I will not say recovered, I do not think you ever recover, but they have learned to adapt their lives to it. We all have different degrees of resilience. Some of the stories you hear, you think, "How could a human being survive that? How could you hold your head up and survive as a person?" My only word is resilience. I think it is part of our cultural inheritance.

CHAIR: Is part of your program and your course about assessing—and this goes to the point of resilience—cultural connection and what it means to be connected to country, the relationship with the natural world and that whole thinking. Is that part of it? Regarding the intergenerational stuff, I too am amazed at their resilience when you learn what people have experienced. I have been told by the elders it is because they know who they are and they know the importance of their place, their relationship with the world.

Ms HOCKING: Yes.

CHAIR: Is that research, or is it coming through in research and understanding that that is what the point of resilience is, a connection with the world that we live in and our responsibility to protect and preserve it? I do not know how to explain it.

Ms HOCKING: In some ways it is, but it is also about restoration. We talk about reparation, but restoration. That is an individual thing, to restore, and that is a hard-healing road. I did mine. I do not follow religion, but I did mine through the power of forgiveness. That is how I survived. It was suggested by an elder in Western Australia. I was talking to her one day and she said, "You have to learn to forgive."

Ms HOCKING: I said, "Not in my vocabulary." She said, "You best put it there." I thought about that for a long time afterwards. Over time I forgave the perpetrators. They are dead now. They will never know. It was not about telling them I forgave them. It was about me. That was my journey. It is not everybody's. We have all got our own way of dealing with things. I found that that advice given to me—and it did not come easy. It was quite hard; I had to work at it. As I journeyed on, I could see the thing of being able to let things go. I was holding everybody's baggage. I gave it back. Emotionally, I gave it all back over time—it is yours, it is yours, it is yours. Then I restored my identity. That is a hard thing, too, restoring your identity, particularly if you are fair-skinned, particularly if you do not know much about your own culture.

A lot of my students do my course, my masters to learn about themselves and about the history. Sometimes they feel a little ashamed. "Don't think I'm silly, but I don't know much about my own culture." I said, "Why would I think that is silly?" Because we have had to restore it. I say to you, being the longest surviving culture in the world, there must be something we have done. In the event of the human experiment that was tried with the stolen generations, most of us—some of us have got through that adversity. So what is it that makes us do that?

CHAIR: It is powerful.

Reverend the Hon. FRED NILE: Taking Tasmania as a special study, what I understand from history is that the genocide of the people in Tasmania is distinct from the other States. Is there a greater trauma with the remaining Aboriginal people in Tasmania than in, say, New South Wales, because of that blanket approach to remove the Aboriginal people completely?

Ms HOCKING: It has been said historically that Tasmania was the hardest hit, with the most brutal history. When we were talking about compensation for the stolen generations, I said to the Premier, "If we can step up and stand up and do this after the terrible massacres that have happened, that have been transferred on down generations, I think if we"—to use my words—"if we can do it, anybody can do it." That is what I said. Again, we had so many other challenges that other States do not have. Having said that, that is not to say that New South Wales or Queensland, wherever, have their own set of challenges. We had ours.

CHAIR: Can you explain the situation in Tasmania when 41 people were rejected? Is that right, 41 people who applied did not—

Reverend the Hon. FRED NILE: There were 151 who applied and 106 were accepted. That is 45.

Ms HOCKING: Yes.

CHAIR: Are there clear reasons why they did not qualify?

Ms HOCKING: Yes, there are. Ray and I talked about this. I was fortunate, if I can say that, in my case because I had all my records. If you do not have the records, you do not have the proof. That is what it came down to. You asked me before about a negative side of it. That is probably what I would think about. Should people be disadvantaged because they do not have their records? There was a criteria, and a fairly strict one. Ray had to follow that. There were some hard decisions, but the different thing he did, he did not rely on the Tasmanian Aboriginal Centre or the Office of Aboriginal Affairs. He actually visited the communities and spoke to the elders. They may not have had records, but that elder could remember what happened to that child.

The Hon. SHAOQUETT MOSELMANE: Was it acceptable in terms of assessing?

Ms HOCKING: Yes. It was. That is the way he did it.

Reverend the Hon. FRED NILE: You took oral evidence?

Ms HOCKING: Yes, he did.

The Hon. SHAOQUETT MOSELMANE: There are a lot of people who have stories that they will not be able to get access to documentations, if they exist, so the only possibility is oral presentation of their trauma or experiences?

Ms HOCKING: As well as the historical documents that Ray had before him, but the way he wanted to do it was to go around to all the communities and speak to the elders and draw on their memories that they had. Being a small community, there are memories. You can remember what happened back when. I guess there were some of those who maybe were not entrenched in their community at the time, or not well documented. To be honest with you, down in Tasmania, and I cannot speak for other States, but all I know is that the issue of identity is so problematic. We had a family of four children. Two are recognised and two are not. It is bizarre. It splits up families. How come you can accept two but you cannot accept the other two? It is amazing. That is what happened with that inquiry as well; some were recognised and some were not. I wanted Ray to assure me that the information that he was receiving was holistic and not just one organisation saying, "Okay, who have you got on your books?" He did not do that.

CHAIR: Are there any appeal rights for the people who missed out, or any way that they can pursue finding additional information? Does that option exist under the Tasmanian system?

Ms HOCKING: It did for a certain amount of time. With anything like that, you have to have rights of appeal, you just have to. It may be that some people did not find out about it until the last minute and could not get all the documentation. I said to Ray, "You have to have a right of appeal", and the criteria for that was quite strict as well.

The Hon. NATASHA MACLAREN-JONES: You mentioned the compensation scheme earlier and that there was debate about providing financial support, particularly your concerns about whether it was being spent on substance abuse or other things. How did you address that?

Ms HOCKING: That is the same with any compensation, whether it be Aboriginal or non-Aboriginal, as you well know. For our people, we thought what happens if we allocate this money and it is not a good thing, it is the worst thing we could have done? We had to talk about that. We had to get real and talk about the real issues. How does it outweigh the benefits to the doubts of whether we are doing the right thing? We decided, okay, in a small percentage it may do that, we had to be ready for that. But the benefits that would be gained for all the others were far outweighed. As Ray said, it was about making things right. I talked to a lot of the elders and they said, "Oh, they are just going to throw money at us." I said, "Well, it may seem like that", but as I said to you earlier, governments cannot heal. It is the only way they know how. My suggestion is very carefully think about it, weigh up what are the benefits. Will it enrich people's lives? Mostly, yes.

CHAIR: Were there support programs provided for people if they wanted assistance with how to deal with money or financial support?

Ms HOCKING: Yes.

CHAIR: Those programs existed?

Ms HOCKING: We had all those things in place so we could monitor and evaluate the allocations of moneys and the outcomes of that. We did quite a long study on that, and kept in touch with people and found out how they were going. There were some beautiful stories. The money also allowed people to go and see—they might have had family in Western Australia they had never seen. They were so excited. They were saying, "Now we can go to Alice and catch up with some of our mob because they work up there." That far outweighed the challenge that maybe it would have a negative side to it.

The Hon. SARAH MITCHELL: As you said earlier, they had the money to turn a bad memory into a happy memory. It is profound and a good scenario.

Ms HOCKING: Yes.

CHAIR: And to see opportunity. In Canada, the allocation could go towards paying for a university degree or a deposit on a house, so people could make a choice that if the nominal money was there, then the opportunity to have that money go to something more tangible or more collective was also assisted. There are different ways of doing it, rather than handing over the likelihood of an economic windfall that could then be a nightmare.

Ms HOCKING: I think the other way would be a nightmare. If you say to people—what Ray decided to do was to give everybody equal amounts. What you do not want to do is start dividing. Oh, they got more than what I got and I should have got more because of this and that. We did have a bit of that. There was a bit of "Why did that person get all that money because they have not been through what I have been through?" Ray and I talked about it and I said I think the best way to do it is to provide everybody with the same amount of money regardless. If it was declared that they were a stolen generations survivor and they had been taken by the Tasmanian Government, everybody gets the same. I was in Canada too when they were doing their scheme.

The Hon. SHAOQUETT MOSELMANE: Whether the person was taken for two years or 10 years they would still get the same?

Ms HOCKING: Yes. My sister was taken but she actually was returned, for whatever reason we do not understand. She was away for a period of two years. Now I was never returned and we both got the same amount of money but, do you know what? It did not matter because in her own way you cannot measure pain against the other. She may have only been gone for two years but what she suffered in that two years I may not have suffered in 10 years. So you cannot measure people's pain and it is not about who has the greatest pain, it is just acknowledging it, emphasising with it and respecting it.

The Hon. COURTNEY HOUSSOS: The Tasmanian scheme allowed for a limited claiming by descendants. What is your view about that? It was obviously a much lesser amount.

Ms HOCKING: Yes, it was. But I think acknowledging first generation, second generation, third generation, stolen generations survivors within it. But I think that is very important too. As I say I divided most of my money between my children because of what they had lost, as what their children will not have, and what their children will not have. I think you just do not stop with the first removals, I think you have to look at the impact that that has down the line with families and recognise that loss. Yes, it was a lot of money. I say again the importance of it was the acknowledgement.

The Hon. COURTNEY HOUSSOS: You have made a very powerful point: it is not about judging pain against pain, or experiences against experiences, it is the acknowledgement that it occurred.

Ms HOCKING: Yes. I know when I was in Canada and they were doing the same thing that we were doing, I remember Phil Fontaine, who was the National Chief of the Assembly of First Nations, was on the stage and he looked at all the survivors who had come to tell their stories and said, "No man's pain is greater than the other". It was very profound and I thought he was right. I used that experience with Ray. I still think that what we delivered did make some big changes for people. I have been encouraging other States to do the same. I say it is not easy but it has been done. What we did in Tasmania will be different to here in New South Wales because of cultural needs and so on. But still the foundations are the same. It is the offer. It is the acknowledgement. You were the first guys who apologised to country. I would have loved you to have been the first to do this too but we got in first. If we can learn from each other and hopefully have these reparations around country because I was there at the apology and I remember thinking, sadly, some people have died waiting for the apology, and do not let it be the same here.

The Hon. SHAOQUETT MOSELMANE: There were 151 claims. Is the door still open?

Ms HOCKING: No. There was a sealing off point. It was quite generous. We did get some late ones given the fact that they may have been overseas at the time and were not aware of it so we could not be too stringent and say "It is cut off now". There was plenty of warning for those late submissions. They were given more time.

The Hon. SHAOQUETT MOSELMANE: What is that time frame?

Ms HOCKING: Twelve months.

CHAIR: It had the profile and media attention to it?

Ms HOCKING: Yes. It was a good lead up to it. We had some very positive commentary through the press on it. We thought "Wow, we are going where no other person has gone before". But it is not about a race, it is not about who does it first, it is about doing the right thing. I think every State and Territory should be thinking about this.

CHAIR: Often for governments it is easier if somebody else has done it.

Ms HOCKING: Yes, that is what I mean.

CHAIR: Do you have an insight into the issue when in 2008 the Commonwealth Minister at the time said she was not doing compensation as it was not "appropriate", which was the word she used. We should be investing in outcomes for the broader community. Do you have an opinion about whether the Commonwealth should be contributing or has a role to play in compensation and reparations issue?

Ms HOCKING: Yes, two things to say there and that is the removals were done on a State-by-State basis. It was not an overall Commonwealth thing, all States implemented those child removals, so I think there has to be some kind of acknowledgement of that. I remember before the apology I sat down with Kevin and we talked about that. I said "So you are not going to compensate?" He said "No". I said, "How does that work?" He said "My thoughts are the state of Aboriginal health is so bad that I think we can best use the money by trying to improve the health and lives of Aboriginal people" which I, sort of, got but I think it was a bit of a cop out too actually. I think it just got too hard because of the Northern Territory and places like that.

The Hon. SHAOQUETT MOSELMANE: What about the Northern Territory?

CHAIR: The intervention.

Ms HOCKING: Yes, the intervention. Whilst on the day of the apology being in Parliament there were tears of relief and emotion and stuff like that, but we were all thinking the same thing—please, don't let this be it. On from that came the Healing Foundation, the timing of the Declaration on the Rights of Indigenous People and Kevin did one other thing, I can't think in the short term.

CHAIR: Closing the gap.

Ms HOCKING: Yes, closing the gap. My challenge is that we will never close the gap in physical and mental health until we start looking at the trauma, the impact of trauma. I have said that publicly and I have said it to Tony Abbott. The reaction was just a stare—he didn't like that, right okay. It will take time, it is not something that can be fixed with a five year plan. It does not work like that. Lose the five year plans. But I know that is the way government works. They have strategic plans, health plans and mental health plans and all that kind of thing which are good in some effect but I still think they are missing the point hugely. When I heard you say a little while ago about the Healing Foundation and healing programs but we cannot have healing unless we deal with the trauma—not the cart before the horse.

CHAIR: The Committee has heard consistent messages about trauma and healing. I think everyone acknowledges the advice that has been given to this Committee and we are listening. Next week the Committee is travelling to Broken Hill, Walgett and in early March to the Bomaderry home on the South Coast. The Committee has already visited Cootamundra girls home and Kinchela boys home so we are listening. If you want to pass on any further information please do so.

Ms HOCKING: Thank you for listening, asking questions and just trying to put sense of this part of our history. I think Stanner called it the great Australian silence. It is healthy to talk about it in the open now.

The Hon. SHAOQUETT MOSELMANE: Silence no more.

Ms HOCKING: Yes, that is it. I will be keen to hear how you get on and how you progress through. Are you mostly talking about monetary compensation or other reparation?

CHAIR: It is within our remit with the terms of reference to be looking at all of that, yes.

CORRECTED

Ms HOCKING: I think you have done really well here with the "Bringing them home" report but there is still some ways to go. Those 54 that were tabled in Parliament, it would be really good to see a few more of those getting up here.

(The witness withdrew)

LORRAINE McGEE-SIPPEL, community member, affirmed as under:

CHAIR: Do you wish to make an opening statement?

Ms McGEE-SIPPEL: I am a Yorta Yorta Wemba-Wemba woman who was taken from my biological mother, my Aboriginal mother, as a baby and put into a home and then adopted. Thank you for the opportunity to tell my story here today. I would like to open with a poem that I wrote in response to the Federal Government when the report was handed down into the stolen generations report. I found it so debilitating, the response of the Prime Minister of the day, and I did not realise people could speak that way, already traumatised people. And so I put my thoughts into writing. I was heartbroken by the thumping of the lectern, the anger and the loud voice and this is my response. My poem is called *Belonging where?*

*Caught in an abyss
Belonging where?
Thousands of children
Heartache despair.*

*Stolen, separated
Leaving mothers behind
Lost to our Culture, Music, Dance and Art.
Lost to Ourselves—our Families—our Hearts.*

*As a child—wondering
What did I do wrong?
Who the hell am I?
A feeling so strong
The taunts of a childhood
All a whirl
"Half-caste, half-caste
a little black girl".*

*Italiano? Greek?
Maori or what?
Some of the questions asked a lot.*

*Too black to be white.
Too white to be black.
Caught in the middle
Belonging no where.*

At times this is what it still feels like, belonging nowhere, but not as bad as it used to be. But that is my response. Around this time the eldest of my three younger brothers hung himself. It was pretty traumatic. My only way of coping is to sit at the kitchen table and let the words come. This is what I have done with people that I have lost in my life. I have a sister with the same name as mine. I thought that I had only just found these people and I was losing them already. I must not let myself get too close. That had been how my life had been—no-one could get close. I had a terrible problem with relationships because I was taken from my Aboriginal mother as a baby and shunted around a bit.

When I was eight months old my mother went back to work and I was handed over to a relative—my adoptive father's sister. She really did not like me because I had different blood—they were her words. When I was two years old I was put into all-day care from Monday to Friday so that Mum could still work. Sometimes she would forget to pick me up and strangers would bring me home. I have memories from that time. I was two or two-and-a-half years old. We then went to Walgett to live. My parents worked on sheep and cattle properties and when they were in the city they worked in factories. A big memory for me was about Scone and *Murrurundi* in the upper Hunter Valley—the horse capital of Australia. I went to a little bush school. I was nine by that time and I was called a "half-caste", but I did not know what it meant. It was easy to see that I was a little Koori kid in the photos, but, of course, that is not so obvious now. I drove my mother mad trying to get answers to my questions. She had a bad temper. I learnt about adoption at this stage as well and I asked her whether I was adopted. I would get the same response: "Who told you that?" I was determined to find out.

The following year we got a new teacher and we did not like each other from the beginning. I was sent away from home the month I turned 11 to where I did not want to go. For almost six years I lived with relatives and an uncle who wandered at night. I thought it would not always be like that and that I would be with Mum and Dad. That was what kept me going. I had to look out for myself. I did not really have friends because I could not take them home. I was ashamed of being adopted and ashamed of not being wanted. The years just skipped by. Mum and Dad came down to Sydney and we lived in a little three-room fibro shack at the back of someone's place. It used to be their garage. I was so happy in my little two-foot-six-inch chrome bed, which was the lounge in the daytime and my bed at night. There was a kitchen table and television that I bought on hire purchase. I had to have my mother sign the contract because I was not old enough at the time to be responsible, despite the fact that I was paying for it.

Flash forward: I am about to get married and I am 24 or 25 years of age. I am told that my biological mother is white, that my biological father is Afro-American, that no-one wanted me as a baby, and that I could have throwbacks if I had children. That information sent me into chaos. It affected not only me but also the person I was going to marry. I told him to go away and meet someone else because I did not want to inflict the possibility of having throwbacks on someone else. One day I sat down and started taking pills. I realised what I was doing and I thought, "God help me. I need help and I need it now." I rang Lifeline and realised that I did not have to die. I had a number of sessions with Lifeline counsellors and it was suggested that I would make a good nurse. I could not cope with my personal life; I thought I had stuffed up and I decided to leave that to other people. I went nursing and thought I would forget about the pain that was eroding me away.

The year that I was going to start having kids I made a decision not to. It broke my heart, but I did not want them to go through what I had been through. I thought that if they were black they might be rejected as I felt I had been. I could not do that to my children. So I looked after other people's children and did really well at nursing. However, it took a huge toll on my personal life. I started to drink and I knew that if I did not find my family soon I would not make it to my next birthday. I thought that I was the only one who could do it. Not even my best friend knew I was adopted; I did not tell anyone. I did not understand it all and I might have had to go to America to find this black father, who is the reason I might have throwbacks.

It took me 11 months to find my family. At that stage I was 37 or 38 years old. But I had to do it and I did not care how many lies I told; I just had to do it. I found my enormous family. I discovered that I was the eldest of 51 grandchildren and that I had indeed been wanted. My mother went to hospital with my grandmother and they named me. My mother thought she was going home with a baby and she was shocked to find out that she was not. She was told by the person I thought was my grandfather but who was not—I have an Aboriginal grandfather as well as an Aboriginal grandmother. He married my grandmother. They said that they could not afford me, but they went on to have two more kids. I became my mother's appendix, and her appendix turned up 38 years later to meet her family. Finding my family was the best thing I ever did. It gave me a voice. It took me a long time to work through my Aboriginality. I thought that I did not have a right because I had not suffered. I thought I was not black enough and I wondered how I should act. I had to learn all those things and it has been a long journey.

I have been down to my country and been recognised and accepted. It was a wonderful feeling. I started to write poetry when people started dying. My sister who was 13 months younger than me was 47 and about to be a grandmother for the first time when she suddenly died of a cerebral aneurism. I started to write poetry to cope with the pain I felt and the anger I felt towards her for dying because we had so much planned. I wanted to go to university to have a career change, but before all that I met my husband, who is with me here today. I could not do a lot of stuff without him. I wrote a book called *Hey Mum, what's a half-caste?*, which won a Deadly Award in 2009. My story is in that book. I have probably talked long enough; that is it for me now. I do not know whether members will ask me questions, but I thank you for listening.

CHAIR: Thank you. Can we have a copy of the book, or is it in the Parliamentary Library?

Ms McGEE-SIPPEL: The Committee can have that copy.

CHAIR: Only if you sign it. It would be a wonderful resource to have in the Parliamentary Library. It will be put on the library's database and all libraries across the State will know it exists.

Ms McGEE-SIPPEL: There is an addendum because 10 days after receiving an advance copy of the book I found out that my white grandfather was not my grandfather—I had an Aboriginal grandfather as well as an Aboriginal grandmother.

CHAIR: Your story is different from what we have heard previously. The Committee has heard from people who were taken as children and put into homes. I imagine that your adoption occurred because you were lighter skinned.

Ms McGEE-SIPPEL: I think so, although I was treated differently within the family. I used to go so brown. I was treated differently because I was a different blood and I felt that as a child. I was also punished; I remember some of those punishments vividly. As a four-year-old I knew that something was not right with me. I observed that from the treatment of my first cousins. No-one would rouse on them or lay into them like my mother laid into me. I had this sense of confusion and maybe outrage, if four-year-old can be outraged about injustice. I think they can.

CHAIR: And then you found out that you were a Yorta Yorta woman. Of course, the Yorta Yorta are the oldest recorded people in this land since the discovery of the Mungo man and the Mungo woman.

Ms McGEE-SIPPEL: I think so.

CHAIR: That is a very proud thing.

The Hon. SHAOQUETT MOSELMANE: These hearings are dealing with reparation for the stolen generations. What, if anything, can the Committee recommend to address some of the trauma that you have suffered?

Ms McGEE-SIPPEL: I came here today thinking that I did not want any reparation because I had not suffered enough. But then I was sitting back there and my heart was going and everything was pumping inside. I thought, "It's not right." I had not thought before about creating a happy memory and going to my country without having to drive there all the time. It is a long way down there on the border. I had not thought about going a different way and creating some more happy memories.

Also we could have a place where we could go to be with people who will understand. Even today it is very difficult when you are out socialising and speaking with older women. Their experience is totally different to what you yourself have experienced. How do you say that this is my story when they say, "Oh, yes, Lorraine but we all have something in our backgrounds." It is that dismissal that is there all the time. You think, "Oh, here we go again." It is the ignorance and the lack of empathy and understanding. I do not care whose story it is—people need to be listened to. I am sorry; I am not sure if I am answering your question about the reparations part.

CHAIR: Do you have any suggestions for what could assist you in your situation? Is there something that could assist you or something that would help with the support that is needed—whether it is from government agencies or from Aboriginal agencies? We are interested in hearing what suggestions people have about what would assist them in dealing with the trauma and the pain.

The Hon. SHAOQUETT MOSELMANE: We cannot change the past so what would assist you now.

Ms McGEE-SIPPEL: No, I realise that; and I do not want to go back there anyway. I know that Link-Up has a monument, and I have visited that. I think there is also something in the Mount Annan botanic gardens.

The Hon. NATASHA MACLAREN-JONES: Have you had any dealings with Link-Up or utilised any of their services over the years?

Ms McGEE-SIPPEL: Yes, I have. I did not even know about Link-Up. I thought I had black American ancestry. I found out about Link-Up seven years after I had found my family. I went there and was able to share in the stories—to hear other stories, to find more relatives and to do healing there as well. I think I cope pretty well, even though I have been a bit emotional here today. I think I am travelling pretty well personally. I go to places and speak with people, be they friends who understand or other stolen generations members—I have some in the family. That is when I go to those places. I cannot think of anything for myself that I need.

The Hon. COURTNEY HOUSSOS: I guess the only thing we take from your experience is the thing we have heard from everyone—that is, that everyone's healing process is different.

Ms McGEE-SIPPEL: Yes.

The Hon. COURTNEY HOUSSOS: And that our response has to allow everyone to heal in their own way. So thank you so much for sharing your story with us.

Ms McGEE-SIPPEL: Thank you for listening.

Reverend the Hon. FRED NILE: In your situation do you feel strongly about the Aboriginal children being taken from their families today and adopted out. They should not be taken in the first place, but do you think they should be placed with Aboriginal families rather than with white families?

Ms McGEE-SIPPEL: Yes, I think every effort should be made for that because there is a large number of them being taken at alarming rates. I do not know the actual statistics but it is very concerning that this is happening again in 2016. It should disturb everybody that this is happening under our noses.

Reverend the Hon. FRED NILE: Thank you.

CHAIR: Thank you.

(The witness withdrew)

(Shot adjournment)

(Evidence continued in camera)

(The Committee adjourned at 4.53 p.m.)
