

*Bringing them home*

**SCORECARD  
REPORT 2015**



*This report has been written by Dr John Rule and Ms Elizabeth Rice who were engaged as project consultants and writers by the National Sorry Day Committee (NSDC).*

*It is based on consultations with NSDC members and relevant organisations undertaken in 2014. There were many people who contributed generously with information and ideas resulting in this finalised report. It is not possible to list and thank all those people and organisations. Ms Sally Fitzpatrick provided special assistance in shaping the final report.*

*It is anticipated that this document will be used by the NSDC for the information of members and released to a wider readership.*

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## ACRONYMS, ABBREVIATIONS AND TERMINOLOGY

AHRC	Australian Human Rights Commission
AIATSIS	Australian Institute of Aboriginal and Torres Strait Islander Studies
AIHW	Australian Institute of Health and Welfare
ATSIC	Aboriginal and Torres Strait Islander Commission
ATSICPP	Aboriginal and Torres Strait Islander Child Placement Principle
BTH	<i>Bringing them home: Report of the National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from Their Families</i>
COAG	Council of Australian Governments
FaHCSIA	Department of Families, Housing, Community Services and Indigenous Affairs
GMAR	NSW North Coast Grandmothers Against Removals
HREOC	Human Rights and Equal Opportunity Commission
Link-Ups	Link-Up organisations provide a range of services to members of the Stolen Generations and their families, and foster and adoptive families.
MCATSIA	Ministerial Council for Aboriginal and Torres Strait Islander Affairs
MCEETYA	Ministerial Council on Education, Employment, Training and Youth Affairs
NATSISS	National Aboriginal and Torres Strait Islander Social Survey
NSDC	National Sorry Day Committee
OATSIH	Office of Aboriginal and Torres Strait Islander Health
SEWB	Social and Emotional Wellbeing
SGWP	Stolen Generations Working Partnership
SNAICC	Secretariat of National Aboriginal and Islander Child Care
UNESCO	United Nations Educational, Scientific and Cultural Organization
UNDRIP	United Nations Declaration on the Rights of Indigenous Peoples
WAACHS	Western Australian Aboriginal Child Health Survey
WHO	World Health Organization

References to the *Bringing them home* Report are taken from the PDF version available at <https://www.humanrights.gov.au/publications/bringing-them-home-stolen-children-report-1997>

## PREFACE

The *Bringing them home* (BTH) report uncovered, documented and traced the grief and loss experienced by many individuals, families and communities. The recommendations attached to it were a series of recommendations intended to provide reparation and support for those who had experienced terrible pain and suffering.

The BTH recommendations were designed to ensure that this period of Australian history and the experiences of the Stolen Generations would be recognised, that there was a clear pathway for making reparation to them, and that the removals policies would not be repeated. The Stolen Generations hoped for action on these recommendations, including recompense for what they had suffered. Although *Bringing them home* is 17 years old, there are still recommendations that have not been implemented.

Through all these difficulties, the Stolen Generations continued to seek a way home and to re-connect to family, community, land or country, language and culture, to advocate for justice and for services that met their specialised needs, and to protect current and future generations of Aboriginal children from harm. This work is urgent as the Stolen Generations themselves are ageing and the intergenerational effects noted by BTH continue largely unchecked. There is, now, an understanding of the intergenerational effects of previous government policies that forcibly removed children and fractured families, communities and Aboriginal nations. The community at large is also becoming more aware of the intergenerational impacts they continue to cause.

The NSDC's work has always been to promote the full implementation of the BTH recommendations while also supporting other initiatives that can benefit the Stolen Generations. One of these initiatives is the proposed renewal of the *Aboriginal & Torres Strait Islander Social and Emotional Wellbeing Framework* (SEWB Framework), which provided the opportunity for NSDC to raise SEWB issues of particular concern to the Stolen Generations. NSDC has highlighted that there needs to be specific resource allocations to meet the needs of the Stolen Generations within the SEWB Framework.

NSDC believes that the nation still cares about redressing the wrongs created by the forcible separation of Aboriginal and Torres Strait Islander children from their families and communities, as indicated by the very recent moves within the Parliament of South Australia to provide compensation to the Stolen Generations there, with the Tasmanian Parliament setting a precedent in 2006. NSDC encourages all Australians to participate in initiatives that can benefit the Stolen Generations and continue with community awareness work and advocacy for the full implementation of the BTH recommendations under the leadership of the Stolen Generations and the organisations that work with them.

As part of this work, NSDC has recently completed research and consultation on current issues of concern to the Stolen Generations. The results of this work are set out in this 2015 Scorecard Report. The report offers recommendations on how the BTH recommendations can be implemented, in full, in the contemporary environment.

## EXECUTIVE SUMMARY

### ***What was our aim?***

In 2014 the NSDC sought feedback from its federal government partners as to the feasibility of a fourth Stolen Generations Working Partnership Scorecard. Due to the profound changes in the machinery of government, however, we found this was not possible. In fact, the new government was not interested in engaging with the Working Partnership set up under the previous administration. Instead, NSDC negotiated with its funders to commission a report on the current status of 54 recommendations made in the *Bringing them home* Report, with its primary focus being the national stage. This report is a summary of extensive consultations conducted between January 2014 and January 2015.

### ***How did we set about finding out?***

The approach we took was to examine available literature on the progress of the recommendations over the past 17 years, using our own libraries, the Internet and a strategic search of peer-reviewed publications. We also sought advice from past and present individual and organisational members of the NSDC and other organisational partners and representative bodies involved in providing advocacy and services to Stolen Generations, as well as long standing supporters of the NSDC. We sent drafts of our findings for peer review by knowledge holders in the field and the NSDC executive reviewed all drafts of the document.

### ***What did we find?***

The first section of our report looks at the historical context of the Stolen Generations, the *Bringing them home* report and developments since, including the work of advocacy groups such as the NSDC and the significance of the recent *Stolen Generations Working Partnership*. This section reiterates findings made in earlier reports that nearly every Aboriginal family and community has been affected by the policies of forced removals, yet at the same time have exhibited extraordinary strength in the face of multiple layers of grief and loss. As explained in the rationale for the *Stolen Generations Working Partnership*, it will be amongst Aboriginal and Torres Strait Islander people that ways forward will be found. The second section of our report examines how the *Bringing them home* Inquiry was conducted and what it found and presents our findings on the progress and results of the implementation of its recommendations over two time periods, i.e. before and after the Apology.

The *Bringing them home* Report was the first national report of its kind that provided an analysis of the history of forcible removals of successive colonial, federal, state and territory governments. As well as revealing the shattering effects of these policies, it showed their intergenerational impact. We argue that its set of 54 recommendations remains as relevant today as it was in 1997.

We find that there has never been put in place a comprehensive framework for the national monitoring and evaluation of the implementation of the recommendations. Of particular concern is that only partial steps have been taken toward reparation and the failure to implement human rights based frameworks for the protection of Aboriginal and Torres Strait Islander children based on the principle of self-determination. At the same time, it is evident that public support has been

remarkable, particularly the outpouring of support for the Sorry Books in 1998, the continued commemoration of National Sorry Day at all levels of the community, the popular bridge walks in 2000 and, notably, the National Apology itself in 2008.

A key development at this time was the establishment in 2009 of the Aboriginal and Torres Strait Islander Healing Foundation, which has supporting Stolen Generations survivors as a core priority.

Other key advances include the establishment of the *Stolen Generations Working Partnership* (SGWP), additional resources to Link-Up services and for BTH and Link-Up Counsellor positions, including workforce support. The NSDC also successfully lobbied to have age-specific content on Stolen Generations included in the National Curriculum. Stolen Generations participated in the discussions surrounding the renewal of the Aboriginal and Torres Strait Islander social and emotional wellbeing framework and other key mental health reforms. A comprehensive manual designed by Aboriginal experts in the field for use by service providers and practitioners, *Working Together*, was published and is now in its second edition. We also noted the growing number of Stolen Generations groups who are initiating and developing their own organisational and service responses to their identified needs.

We also make a provisional assessment of the results of action to implement the BTH recommendations and we invite community input on this assessment. Each of the 54 recommendations is examined in a checklist and an assessment of their current status is made using examples provided by our interviewees and the literature. We also offer a sliding scale of completeness. We analysed the factors affecting results such as the key role played by community weighed up against the challenges of community diversity, the holistic nature of Indigenous health and wellbeing and how meeting the needs of Stolen Generations must take into account the interrelatedness of all factors affecting their health and wellbeing, with special reference to culture, language and identity.

Complexity is also discussed in relation to service provision, in particular social and emotional wellbeing and mental health services. We note that *Bringing them home* recognised this complexity and its key recommendations in this area remain salient, such as the adequate training of all health professionals - which to this day remains to be achieved. A particular note is made of the significance of cultural revitalisation through language and its relationship to wellbeing. Citing an example from Queensland, we note the uneven progress in achieving family reunion as it relates to the resources and capacities of the Link-Ups and of records holders, which in turn impedes individual and collective healing.

The report also looks at the Northern Territory Intervention as an example of how the drivers of assimilation continue to underscore policy settings in relation to Aboriginal people living outside of or at the interface of the Western cultural and social norms, even at the expense of human rights. We note the way this interferes with the principle of Aboriginal and Torres Strait Islander self-determination, which is a critical component of the *Bringing them home* recommendations for the welfare of current generations of Aboriginal and Torres Strait Islander children.

Issues brought to light by our informants, and the outstanding business of the SGWP, are brought together in the final section of the report. Of particular concern is the unfinished business of reparation, particularly monetary compensation. There is no doubt that Stolen Generations endured gross violation of their human rights, exacerbated now, by the passing of time and the failure of services to meet their needs. We find substantive evidence of the 'gap within the gap' in terms of the socio-economic disadvantage experienced by Stolen Generations survivors. We call for a human

rights-based strategic framework for action on outstanding *Bringing them home* recommendations and for the integration of the recommendations across all Indigenous policy spaces. This is particularly urgent in the child protection system where a framework that integrates self-determination and children's rights and safety is needed. We also call for a national accountability measure that covers long, as well as short term outcomes, for individuals, families and communities. These frameworks and accountability measures need to be flexible to capture evolving policy priorities such as aged care and overrepresentation in the justice system. We call for balance between identifying and meeting clinical mental ill health needs and the promotion of healing and social and emotional wellbeing through strengths based approaches.

Of particular concern is that family tracing services continue sustainably into the future, particularly given the high rates of present day removals. We note the call for an independent review of welfare policies by Grandmothers Against Removals and for a national reunification scheme for children and their families.

We also note several risks to recent gains and to the good will generated over the past five years by the SGWP. It has been frustrating to everyone that government leadership changes and changes in the machinery of government have disrupted the completion of several projects and stalled the partnership itself. We are particularly frustrated that a data project commissioned by the previous government on behalf of the partnership has not seen the light of day, as we are firmly of the view that this information is rightfully Indigenous knowledge and would be of value to the community and to Aboriginal community controlled organisations in service planning. Whilst government initially supported SGWP activities and commissioned the important data project, recent changes and problems have raised concerns and caused frustrations about the role of government within a partnership approach. Such frustration only serves to cement the mistrust and anger Stolen Generations feel towards government processes.

The final section of this report finds that there is still insufficient recognition and understanding of trauma, loss and grief, and its impacts on health and wellbeing. We argue that the people best placed to guide what is needed now and into the future are the Stolen Generations themselves.

### ***What does it all mean and where to from here?***

This report is offered to policy makers and to the community as a way forward towards the meaningful implementation of the recommendations of the *Bringing them home* Report. We have made a series of high-level recommendations to guide future policy and program delivery, which may be seen as a set of working principles. We believe that the unfinished business of the Stolen Generations needs to be front and centre in Indigenous affairs and the original *Bringing them home* recommendations offer a sound foundation towards achieving this.

The framework and principles underlying the *Bringing them home* recommendations are also fundamental to the resolution of other unfinished business between Aboriginal and Torres Strait Islander peoples and other Australians. If we fail to implement these recommendations, we not only fail the Stolen Generations and the current generations of Aboriginal and Torres Strait Islander children, we also undermine efforts to reach a lasting settlement among us, and the achievement of the long cherished national ideal of equality of opportunity for all.



## SUMMARY OF RECOMMENDATIONS

### Urgency

*We need to act now*

#### Recommendation 1

- A. That the Australian Government address, as a matter of urgency, the development of a national strategy to implement outstanding BTH recommendations in the contemporary environment.**
- B. That the strategy include both BTH measures directed towards justice and fairness for the Stolen Generations and the BTH measures designed to ensure rights based safety for current generations of Indigenous children.**
- C. That the Australian Government pursue bipartisan support for the strategy.**

### Principles and approaches

*Stolen Generations have the knowledge*

#### Recommendation 2

**That the strategy be developed through negotiations with the Stolen Generations and the organisations that work in their interests.**

*Stolen Generations need justice as well as fairness*

#### Recommendation 3

**That the strategy include a framework for the resolution of Recommendation 3 of the BTH report.**

*Culture is central, health and wellbeing are holistic, and Individuals, families and communities all matter*

#### Recommendation 4

- A. That the strategy be informed by the distinctive aspects of Indigenous culture, identity, health and wellbeing, and societal organisation.**
- B. That these distinctive aspects be integrated into all parts of the strategy.**

*We need to maintain the gains*

#### Recommendation 5

**That there be no provisions in the strategy that require the trading of current gains for the achievement of future remedies.**

*We need to work together*

#### Recommendation 6

**That the strategy incorporate broad cross sector collaboration and cooperation into all its components.**

## Service system issues

*Changes are needed to the service system*

### Recommendation 7

- A. That changes be made to the Commonwealth, State and Territory service systems so that they include a specific and systemic focus on issues affecting the Stolen Generations.
- B. That the changes incorporate matters already specified by NSDC in its submission to the renewal of the Aboriginal and Torres Strait Islander Social and Emotional Wellbeing Framework.

*Services need to be responsive*

### Recommendation 8

- A. That training and development on issues specific to the Stolen Generations be built into the Commonwealth, State and Territory service systems.
- B. That the training and development incorporate matters already specified by NSDC in its submission to the renewal of the Aboriginal and Torres Strait Islander Social and Emotional Wellbeing Framework

*Services need increased capacity*

### Recommendation 9

That the Commonwealth, States and Territories allocate resources commensurate with demand, including latent demand, for services to meet the needs of the Stolen Generations.

*Services need to respond to the intergenerational impacts*

### Recommendation 10

- A. That the States and Territories act immediately to implement the BTH recommendations designed to ensure children's rights with children's safety through a self-determination framework.
- B. That this be undertaken in a manner that recognises local Indigenous community knowledge, skill and experience while also maintaining consistency across the states and territories in relation to the rights inherent in the set of BTH recommendations.

*We need to know the results*

### Recommendation 11

- A. That the Commonwealth, States and Territories develop a monitoring, evaluation and review framework for services for the Stolen Generations.
- B. That this framework incorporate Stolen Generations specific services as well as other services that are, or could be, used by the Stolen Generations.
- C. That the development of indicators, measures and results, as well as their ongoing review, be undertaken in partnership with the Stolen Generations and the organisations working in their interests.

## 1.0 INTRODUCTION

In this 2015 Scorecard Report the National Sorry Day Committee (NSDC) presents a snapshot of current responses to the rights, interests and needs of the Stolen Generations. The report commences by providing background information on Stolen Generations issues, including information about the *Bringing them home* (BTH) Inquiry and Report<sup>1</sup>, then provides a provisional assessment of how fully the BTH recommendations have been implemented, and what is known about their outcomes. It concludes by highlighting continuing concerns about shortfalls in responses to the Stolen Generations, and suggests ways in which they could be addressed.

As all NSDC's work, including this report, is focussed specifically on the interests and needs of the Stolen Generations, this current scorecard report begins with the direct voices of Stolen Generations survivors who provided information to the Inquiry on which the BTH Report was based. This selection of voices from the report sets the context for understanding why the NSDC is producing this scorecard, in this form, now.

Our life pattern was created by government policies and are forever with me, as though an invisible anchor around my neck... ***Confidential submission 338, Victoria, p. 3, BTH Report***

So the next thing I remember was that they took us from there...the children were screaming and the little brothers and sisters were just babies of course, and I couldn't move, they were all around me, around my neck and legs, yelling and screaming... ***Confidential submission 318, Tasmania: removal from Cape Barren Island, Tasmania, of 8 siblings in the 1960s. The children were fostered separately, p. 2, BTH Report***

I still to this day go through stages of depression. Not that I've ever taken anything for it – except alcohol. I didn't drink for a long time. But when I drink a lot it comes back to me. I end up kind of cracking up. ***Confidential evidence 529, New South Wales: woman fostered as a baby in the 1970s, p. 197, BTH Report***

I went to Link-Up who found my family had all died except one sister. I was lucky enough to spend two weeks with her before she died. She told me how my family fretted and cried when I was taken away. They also never gave up [hope] of seeing me again. ***Confidential evidence 401, Queensland: woman removed at 3 years in the 1950s, p. 236, BTH Report***

I grew up sadly not knowing one Aboriginal person and the view that was given to me was one of fear towards [my] people. I was told not to have anything to do with them...Not once was I told I was of Aboriginal descent..." ***Confidential submission 483, South Australia: woman removed to a children's home at 18 months in the 1960s and subsequently fostered by the caretakers, p. 156, BTH Report***

There was no food, nothing. We was all huddled up in a room...like a little puppy dog...on the floor ...Sometimes at night we'd cry with hunger, no food...We had to scrounge in the town dump, eating old bread, smashing tomato sauce bottles, licking them. Half of the time the food we got was from the rubbish dump." ***Confidential evidence 549, Northern Territory: man removed to Kahlin Compound at 3 years in the 1930s; subsequently placed at The Bungalow, p. 159, BTH Report***

When I was at Castledare I was badly interfered with by one of those brothers. I still know the room [in the church]. I was taken, selectively taken, and I was interfered with by one of those brothers. And if you didn't respond in way, then you were hit, you were hit. I never told anyone that." ***Confidential evidence 679, Western Australia: man removed at birth in the 1940s, p. 163, BTH Report***

We owe it to the Stolen Generations to respond to those voices in the fullest way possible. The rest of this report provides an account of the extent to which we, as a nation, have responded, and of what remains to be done. As it examines and discusses these matters, the report takes particular note of the views of two groups. The first group comprises the Stolen Generations, whose experiences were at last acknowledged and recorded in the BTH Report, and whose insights shaped its recommendations. The second group consists of organisations recently consulted by the NSDC on current issues of concern for the Stolen Generations.

## 2.0 BACKGROUND

This section of the report provides a brief introduction to the Stolen Generations and BTH, to the work of NSDC, to the Stolen Generations Working Partnership (SGWP) and its performance, and to the NSDC Scorecard reports on the partnership. It also explains why this Scorecard reports on Stolen Generations issues, rather than on the SGWP itself.

### 2.1 The Stolen Generations

The Stolen Generations are usually regarded as the many Aboriginal – and some Torres Strait Islander – people who, as children, were forcibly removed from their families and communities between the late 1800s and the 1970s, the period covered by the BTH Report. However, the separation of Aboriginal children from their families and communities began with colonisation,

...as soon as Europeans set foot on our land. In 1788, an Aboriginal boy named Andrew was found in the bush [in NSW] and taken to live with the British colonists (Fletcher 1989). By April 1789, two Aboriginal children, Nanberry (a boy about 10 years) and Abaroo (a girl about 14) also lived with Whites (Kenny 1973, pp 9-10).<sup>2</sup>

These removals were made under the policies and practices of past governments – colonial, federal, state and territory – and with the cooperation of church missions and other non-government organisations. For much of the period after colonisation, there was no legal framework for the removal of Aboriginal children from their families and communities. Later, in the 1860s<sup>3</sup>, removal policies began to be sanctioned by various parliaments and eventually, according to van Krieken, “being Aboriginal was in itself reason to regard children as ‘neglected’”.<sup>4</sup>

The children who were removed were usually sent to institutions, although some were adopted or fostered by non-Indigenous families. The extent to which the separation from family, community and culture was enforced was extraordinary. As the BTH Report notes:

In line with the common objective [of assimilation], many children were told either that their families had rejected them or that their families were dead. Most often family members were unable to keep in touch with the child.<sup>5</sup>

Nearly every Aboriginal family and community was affected by these policies of forcible removal – those taken away, the parents, sisters and brothers, uncles and aunts, and the communities themselves.<sup>6</sup> These impacts were exacerbated by the not uncommon practice of removing whole sibling groups.

These impacts have been well documented in both BTH and in later research projects, reports and submissions. The available evidence indicates that, while the Stolen Generations have demonstrated extraordinary commitment in seeking recognition and redress and extraordinary resilience in dealing with the systemic and day to day impacts of forced separation, they are, in general, more disadvantaged in terms of socio-economic outcomes than Aboriginal and Torres Strait Islander people who were not forcibly separated from their families and communities.<sup>7</sup>

However, this is only part of the story, as the Stolen Generations have also dealt with interrupted connections to land or country, language and culture. They have also had to bear a disproportionate burden of trauma, loss and grief. These impacts continue today – for the Stolen Generations, for

their families and communities, and in the lives of current generations of Indigenous children, whom many Indigenous people believe are at risk of becoming the new Stolen Generations.<sup>8</sup>

These concerns must be taken seriously, as it is Aboriginal and Torres Strait Islander peoples who understand the issues best. It was Aboriginal and Torres Strait Islander people who understood the reality of the Stolen Generations well before the BTH Report was produced, who knew that the separation of children from their families and communities began with colonisation, and who recognise the warning signs for the future.

## 2.2 Bringing them home

*Bringing them home*, or BTH, are short-hand terms commonly used among sections of the community to refer to the *National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from Their Families*, led by the late Sir Ronald Wilson AC KBE CMG QC, which was commissioned in August 1995, and to its findings: *Bringing them home: Report of the National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from Their Families*, which was published by the then Human Rights and Equal Opportunity Commission (HREOC) in April 1997, and tabled in the Australian Parliament on 26 May 1997.

This inquiry and its report revealed the shocking extent of the forced separation of Aboriginal children from their families and communities, and the lifelong impacts of these separations on the Stolen Generations themselves, on their families and communities, and on their descendants. Many in the Australian community were learning of these separations, and the government policies that enforced them, for the first time. Many were also moved to tears by the pain and suffering of the Stolen Generations, and in 1988 around half a million people signed Sorry Books, which are now inscribed on the United Nations Educational, Scientific and Cultural Organization (UNESCO) Australian Memory of the World Register.<sup>9</sup>

The BTH report contained fifty-four (54) recommendations, which were based on the experiences, knowledge and insights of the Stolen Generations. The then HREOC's 1998 follow-up BTH project report<sup>10</sup> records varied responses to the recommendations and a varied pattern of implementation and, as the project report notes, "some [jurisdictions] were more cooperative than others".<sup>11</sup> To this day, responses to the BTH recommendations vary greatly in the degree of implementation from fully or partially implemented to not implemented at all. This report will largely focus on responses made by the Australian Government.

BTH continues to play a central role in any attempt to gauge the degree to which the rights, interests and needs of the Stolen Generations are being addressed. This issue is discussed in more detail in Section 3 of this report.

## 2.3 The National Sorry Day Committee

The National Sorry Day Committee (NSDC) is a not-for-profit organisation that advocates for the rights of the Stolen Generations at the national level. It was established following the tabling in Federal Parliament of the *Bringing them home* Report on 26 May 1997, and one of its aims is: “To monitor and oversee the implementation of the recommendations of the ‘*Bringing them home*’ Report”.<sup>12</sup>

NSDC works with a variety of departments and agencies to try to ensure policies and programs address the needs of the Stolen Generations, their families and communities. It also plays a significant role in increasing awareness and education of the broader Australian population regarding the experiences of the Stolen Generations, and the ongoing ramifications of the policies that led to the forcible removal of Aboriginal children from their families. The NSDC encourages both individuals and organisations from across Australia to become NSDC members.

More information about NSDC is available at <http://www.nsd.org.au/>.

## 2.4 The Stolen Generations Working Partnership

The Stolen Generations Working Partnership (SGWP) was an initiative that followed the National Apology to Australia’s Indigenous Peoples (National Apology) made by the Australian Parliament on 13 February 2008.<sup>13</sup> The partnership was launched in May 2010 following intensive discussions between Stolen Generations peak organisations and government agencies. It was developed as a response to the ongoing need to address outstanding recommendations of the *Bringing them home* Report, and in acknowledgement of the capacity of the Stolen Generations to lead the development of solutions to their ongoing needs.

SGWP members were to meet twice a year at forums chaired by the then Australian Department of Families, Housing, Community Services and Indigenous Affairs (FaHCSIA), now the Department of Social Services. Towards the end of each calendar year, members were to gather to establish priorities for the next 12 months. Another meeting was to be held six months later to discuss the progress that has been made against each of the priorities, to raise and discuss issues of concern, and to propose strategies to address any barriers to action. These forums were intended to address outstanding issues, showcase good work going on, and offer stakeholders time to reflect on each other's feedback.<sup>14</sup>

NSDC regarded the SGWP as a promising vehicle for progressing outstanding policy priorities in a strategic, contemporary manner. Although the partnership did not cover all the issues of concern to the Stolen Generations, its inter-departmental nature, its high-level departmental representation, and its inclusion of key Stolen Generations representative organisations provided a sound mechanism for developing and implementing innovative policy and program solutions to identified priority issues affecting the Stolen Generations. Under these conditions the SGWP and NSDC released a comprehensive, third, Scorecard in 2012 with significant input from a range of government departments.

There has been no meeting of the SGWP since June 2013.

## 2.5 The Scorecards

The inaugural Scorecard, an initiative of the NSDC and released on National Sorry Day 2011, critiqued a lack of progress in the SGWP's agreed priority areas by both government agencies and others. A November 2011 Scorecard update reported on: social and emotional wellbeing; aged care; a health access card; promotion of National Sorry Day and recognition of the Stolen Generations; data research; funeral assistance; education and training of Aboriginal community health workers; education, training and the development of curriculum on matters to do with the Stolen Generations in schools and other learning institutions; justice system reform; and a focus on arts, culture and language maintenance as essential components of Aboriginal identity. The 2012 Scorecard detailed the progress that had been made in the previous 12 months.

## 2.6 Why this report now?

The form of this 2015 Scorecard Report, the first since 2012, is governed by three factors:

- NSDC has a responsibility to report to its members, partners and supporters on the outcomes from its participation in SGWP
- NSDC also has a responsibility to highlight continuing concerns among the Stolen Generations, the organisations that work with them, and the community as a whole, over shortfalls in responses to the BTH recommendations
- For the 2014 Scorecard report, no feedback is available from the government agencies involved in the SGWP.

The first two factors underpinned the publication of all the previous SGWP Scorecards; however, the third factor results from the reorganisation, following a change in federal government in September 2013, of the mechanisms within the Australian bureaucracy for the management of Indigenous programs. This change involved the centralisation of decision-making and of relevant staff for key Indigenous program activities within the Department of the Prime Minister and Cabinet. For 2013 and 2014 the direct input and accounting of a range of government departments that were part of the SGWP have not been forthcoming.

Consequently NSDC established, in consultation with the funding body, the value of surveying member organisations and gathering information from non-government partners as to the current status of responses to BTH and current developments in meeting the needs of the Stolen Generations.



## 3.0 BRINGING THEM HOME – THEN AND NOW

BTH is given prominence in this report as it remains the foundation for responses to the rights, interests and needs of the Stolen Generations, their families and communities. BTH owes its enduring relevance to the way it acknowledged and recorded the experiences of the Stolen Generations, and drew on their knowledge and insights to shape recommendations to address the issues they raised.

The next section of this scorecard report provides some additional background to both the BTH Inquiry and the BTH Report. It then provides a brief account of what the available evidence tells us about what has been implemented and what is still unfinished business. This is not an audit of responses to BTH, which is beyond NSDC's organisational capacity, but a narrative account examining the first 10 years (1997-2007), then the period from 2008 to 2014.

This account, while informed by the publicly available literature, also draws on NSDC's discussions with some of the organisations that serve the Stolen Generations, and with some organisations that do not currently provide services specific to the Stolen Generations but could particularise their services to do so. This account is then used to inform the later sections of this report that deal with continuing concerns and suggested ways forward.

### 3.1 The Inquiry – 1995-1997

The BTH Inquiry was commissioned in 1995, following several years of popular campaigning by Aboriginal organisations and community members for an inquiry into the truth behind the Stolen Generations.<sup>15</sup> It was conducted by the then Human Rights and Equal Opportunity Commission (HREOC), now the Australian Human Rights Commission (AHRC), and provided the first comprehensive documentation of first hand testimonies – from across the nation – of Aboriginal and Torres Strait Islander adults who, as children, were forcibly removed from their families, communities, cultures, languages and land, and subjected to human rights violations that contravened some articles of international human rights instruments, including the Universal Declaration of Human Rights, as well as the Racial Discrimination Act 1975 (Cth).<sup>16</sup>

The Inquiry undertook an extensive program of hearings in every State and Territory capital city and in many regional and smaller centres. The first hearings took place in December 1995 on Flinders Island, and the last round of hearings took place in October 1996 in Sydney. During the course of the Inquiry nearly 800 submissions were received, the majority of which were Indigenous individual and group submissions alongside church and government submissions. Around 500 of these submissions were made confidentially.

As the Inquiry panel conducted interview after interview, and collated and documented the testimonies of the Stolen Generations survivors, the extent of the devastation, grief and loss experienced became clear. The truth of the numbers of Aboriginal and Torres Strait Islander families and communities affected by the forcible removal of their children also became all too apparent.

## 3.2 The Report – 1997

The *Bringing them home* Report was published in April 1997 and tabled in the Australian Parliament on 26 May 1997, a date now commemorated each year as National Sorry Day.<sup>17</sup> While there had been some State-based reports, the BTH Report was the first complete analysis of the history of the forcible removal policies of successive colonial, federal, state and territory governments – from the late 1800s up to the 1970s – that resulted in the Stolen Generations. The Report presented and discussed each jurisdiction’s policies of forcible removal, and the various consequences of removal. It revealed the shattering effects of the forcible removal policies in terms of the broken ties to family, community and country; diminished physical health, social and emotional wellbeing and mental health as a result of psychological, physical and sexual abuse; the loss of language, culture and connection to traditional land; disruption to the transmission of parenting skills; and the enormous distress of many of its victims today. It also revealed the damaging intergenerational impacts that these forced child removals continue to have on the families and communities from which those children were taken.

Throughout the report, recommendations were made as to the course of action that the Commonwealth, States and Territories, the churches and other non-government organisations, and communities should take in order to begin to remedy the harm done to the Stolen Generations, their families and communities. Fifty-four recommendations were made in total, and these are listed in full on the Australian Human Rights Commission website.<sup>18</sup>

Recommendations included those for reparation to be made to the Stolen Generations; for public and formal apologies to be made to the Stolen Generations by the Commonwealth, State and Territory governments; for an annual national Sorry Day to be held by way of remembrance and commemoration for the Stolen Generations; and for the history of the Stolen Generations to be taught in schools. There were also recommendations on program and service responses needed, and how implementation should be managed and audited. What is not often recognised is that the recommendations also laid the foundation for a new framework for the wellbeing of Indigenous children, based on self-determination.

The recommendation that has attracted most attention is Recommendation 3, which summarises the extent of the response required as:

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

1. acknowledgment and apology,
2. guarantees against repetition,
3. measures of restitution,
4. measures of rehabilitation, and
5. monetary compensation.<sup>19</sup>

Although stated simply, this recommendation captures in general terms the spirit of the BTH recommendations as a whole, and provides the foundation for the specific measures it recommended to address impacts of the forced separations on both the Stolen Generations, their families and communities, and on later generations of Aboriginal children.

Following the Report's release, the expressions 'stolen generations', 'stolen years' and other words which describe the forced separation of Aboriginal and Torres Strait Islander children from their families and communities entered into the lexicon of all Indigenous people, became understood throughout Australia by those who had ears to listen, and the 'stolen generations' became a focus for government response. The capitalised form 'Stolen Generations' is preferred by many survivors as an important way of signalling identity and experience. NSDC has always, where possible used the capitalisation - Stolen Generations - even if other documents and reporting have not.

The next two sections of this Scorecard highlight some of the progress made as part of this response.

### 3.3 Implementation – 1997-2014

It is impossible to provide a complete account of responses to the BTH report as no systematic process was established to monitor, evaluate and review them. The BTH Report itself, in its second recommendation, had outlined a national Procedure for implementation<sup>20</sup> through the Council of Australian Governments (COAG), involving processes for implementation, monitoring and review. This procedure was never implemented. In the absence of such a procedure, NSDC has drawn on the publicly available information it has been able to trace, as well as its recent consultation with organisations, which serve the Stolen Generations, to comment on implementation during this period.

The publicly available information of which NSDC is aware includes:

- the then HREOC's September 1998 Follow Up Project Report<sup>21</sup>, and material published in the *Social Justice Report 1998*<sup>22</sup>
- the monitoring undertaken by the Journey of Healing ACT, which produced four ACT *Community Progress Reports* over the 1997-2007 period<sup>23</sup>
- the then HREOC's submission to the 2000 Senate Legal and Constitutional References Committee Inquiry into the Stolen Generation<sup>24</sup>
- the 2003 evaluation of government and non-government responses to BTH sponsored by the then Ministerial Council for Aboriginal and Torres Strait Islander Affairs (MCATSIA)<sup>25</sup> in response to a Senate Inquiry recommendation which:

aimed to review and assess progress made by governments and non-government organisations against their response objectives. The evaluation also aimed to identify best practice, and to create a comprehensive inventory of current initiatives related to *Bringing them home*.<sup>26</sup>

- the 2007 independent evaluation of the Australian Government's *Bringing Them Home and Indigenous Mental Health Programs*, which were part of its response to the BTH recommendations<sup>27</sup>
- the 2007 community stocktake of action at the *Ten Years Later: Bringing them home and the forced removal of children*<sup>28</sup>
- the 2008 Parliamentary Library publication *Sorry: the unfinished business of the Bringing Them Home report*<sup>29</sup>
- the HREOC 10 year commemorative project which published *Us Taken-Away Kids*, which records views from "Indigenous peoples across Australia ... [on] their experiences of removal, their thoughts ten years on from the Inquiry and their hopes for the future"<sup>30</sup>.
- The NSDC Scorecard reports on the SGWP.<sup>31</sup>

### 3.3.1 The first 10 years (1997-2007)

At the *Ten Years Later* conference in 2007, Dr Tom Calma AO, then HREOC's Aboriginal and Torres Strait Islander Social Justice Commissioner, highlighted some of the most significant government and community led outcomes and responses to the Inquiry, including the diverse range of research into Indigenous health and social and emotional wellbeing, which simply would not have happened without the release and recommendations of the *Bringing them home* Report.<sup>32</sup> There was also legislative recognition, by the end of that period, of an Aboriginal and Torres Strait Islander Child Placement Principle (ATSICPP) in all jurisdictions in Australia.<sup>33</sup> At the federal level, the Australian Government provided \$63 million practical assistance package, announced early in the period in 1997, which would help fund counselling, parenting support, family reunion services, an oral history project.

However, while there had been significant gains, many of the shortfalls in government responses identified in HREOC's 1998 report still needed to be addressed, including for example the establishment through the COAG of a national approach to implementing the recommendations and undertaking an annual audit of progress. No other ongoing national approach to implementation and monitoring had been adopted.

In terms of reparation, although the Parliaments of all States and Territories had made apologies, the Australian Parliament had not yet done so; and only the Tasmanian Government had been prepared to provide monetary compensation. This left the adversarial system of the courts as the only avenue through which most of the Stolen Generations could seek justice on the compensation component of reparation. Several cases were mounted, including the landmark test case in which Mr Bruce Trevorrow was awarded a compensation payment. However, there are enormous barriers to seeking redress in this way as "This system pits the finances and personal courage of individuals against the vast resources and considerable authority of the State."<sup>34</sup>

One of the most heartening responses was the 'people's response'. Whilst stories and concern about "Them taken away kids" were well known amongst Aboriginal communities, up until the release of the BTH Report there had been very little general public awareness of the forcible removal policies that created the Stolen Generations. Once BTH brought these issues to the attention of the nation, communities across Australia organised meetings where members of the Stolen Generations told their stories, with the audience in turn responding with their own apologies such as at the renowned Bowral meeting of 1997. Community members and local reconciliation groups joined in writing to newspapers and politicians demanding that all governments and faith groups say sorry to the Stolen Generations.

Some examples of the 'people's response' are:

- The Sorry Book campaign (see Section 2.2), which was launched by the advocacy organisation Australians for Native Title (now Australians for Native Title and Reconciliation)
- The first National Sorry Day, which was held on 26 May 1998 in response to the recommendation made in the *Bringing them home* Report that an annual Sorry Day be held in commemoration of the Stolen Generations
- The formation of the NSDC
- "Corroboree 2000: Sharing our Future", which became the most popular National Reconciliation Week theme to that date; it included *The Australian Declaration Towards Reconciliation*<sup>35</sup> and 4

'road map' documents, which were presented to the Australian public and government by the Council for Aboriginal Reconciliation at the Sydney Opera House *Corroboree 2000* event on National Sorry Day that year

- The 28 May 2000 *People's Walk for Reconciliation* in which hundreds of thousands of people around the country participated, e.g. 250, 000 walking across Sydney Harbour Bridge with the word 'Sorry' written in the sky above them
- Local 'bridge walks' and Sorry Day commemorations organised annually by communities, schools, businesses and faith groups.

Despite these advances, by the 10<sup>th</sup> anniversary of the BTH report there was still much unfinished business in relation to its recommendations<sup>36</sup>. Dr Calma summed up the position in 2007 as follows:

Ten years on, the recommendations of the *Bringing them home* report still stand as the starting point for a national reconciliation process. I call on all Australian governments to implement those recommendations in full, with all possible urgency, so that all Australians can reach their full potential.<sup>37</sup>

### 3.3.2 Now (2008-2014)

The most memorable event at the beginning of this period was the long awaited National Apology from the Australian Parliament, delivered on 13 February 2008 by then Prime Minister Kevin Rudd, who apologised for the policies that had led to generations of Aboriginal and Torres Strait Islander children being forcibly removed from their families. Despite concerted lobbying, however, there was no national commitment to monetary compensation.

Later, and as part of its *Closing the Gap* strategy, the Australian Government allocated \$26.6 million in the 2009-10 budget to establish "an Aboriginal and Torres Strait Islander healing foundation to address the harmful legacy of colonisation, in particular the history of child removal that continues to impact on today's generation".<sup>38</sup> The Healing Foundation that was established is "an independent national Aboriginal and Torres Strait Islander organisation with a focus on healing our community" and lists "Supporting Stolen Generations survivors" as the first in its list of priorities.<sup>39</sup> A further \$26.4 million over four years would be announced in 2013.

Expectations of further action were high. As Professor Muriel Bamblett AM, the then Chairperson of the Secretariat of National Aboriginal and Islander Child Care (SNAICC), commented in a media release about the National Apology:

We are confident that the Prime Minister will see this as a new beginning and not the end. The 54 recommendations of the Bringing Them Home Report, including reparations for the Stolen Generations, provide a blueprint for reform that the government must follow. The government's commitment to Social Inclusion must create a future of hope, safety, equality of opportunity, health and wellbeing for all Aboriginal and Torres Strait Islander children that embraces, rather than forsakes, their cultural identity and pride. This is the promise that the apology holds for children of today.<sup>40</sup>

Other advances since the National Apology include:

- The establishment by the Australian Government of the *Stolen Generations Working Partnership*, so that Australian Government agencies and the two national Stolen Generations organisations (NSGA and NSDC) could work together in the interests of the Stolen Generations
- Additional resources to Link-Up services and for BTH and Link-Up Counsellor positions, including workforce support
- The inclusion of education about the Stolen Generations in both the primary and secondary years of the National Curriculum
- The decision by the Australian Government to:
  - renew the *Aboriginal & Torres Strait Islander Social and Emotional Wellbeing Framework*
  - include Stolen Generations representation on both the SEWB Framework Working Group **and** the Aboriginal and Torres Strait Islander Mental Health Advisory Group of the Department of Health and Ageing (DoHA)
- The publication in 2010 of the first edition of *Working Together: Aboriginal and Torres Strait Islander Mental Health and Wellbeing Principles and Practice*<sup>41</sup>
- The publication in 2014 of a 2<sup>nd</sup> edition of *Working Together*<sup>42</sup>, which includes a model of “cultural domains of wellbeing” showing “some of the domains of wellbeing that typically characterise Aboriginal and Torres Strait Islander definitions of SEWB”;<sup>43</sup> this model reflects contemporary definitions of Aboriginal and Torres Strait Islander health and wellbeing, i.e. “the importance of connection to land, culture, spirituality, ancestry, family and community, and how these affect the individual”<sup>44</sup>, matters of vital importance to the Stolen Generations, their families and communities.

There are now also more programs, services and groups aiming to support the Stolen Generations. Some of them serve the Stolen Generations themselves, e.g. the Link-Up services, and some are being governed and managed by Stolen Generations groups, e.g. the Kinchela Boys Home Strategic Plan, while yet others have services or projects that are not dedicated to the Stolen Generations, but can be useful to them. Some are government services, some are non-government services and some are individual community projects. As well, the community response to the need to redress the impacts of the removals continues to be heartening, as indicated by the massive turnout on the Parliament House lawns in Canberra in support of both the National Apology and the Stolen Generations survivors witnessing it inside the Parliament, and by the huge crowds at the televised screenings of the Apology throughout Australia. Similarly there is ongoing public effort to organise and support local Apology Anniversary and National Sorry Day events each year, with the Healing Foundation offering micro-grants in support of events consistent with its theme.

### 3.4 Results

This section of the report provides a provisional assessment of the results of action to implement the BTH recommendations. It is based on the available information in the public arena, as well as consultations with individuals and organisations working to achieve justice and fairness for the Stolen Generations. It also includes input from organisations, which do not currently provide services to meet the specific needs of the Stolen Generations, but would like to do so.

The assessment of these matters is provisional because, as noted elsewhere in this report, no national mechanism was ever established for ongoing monitoring of the implementation of BTH

recommendations, or for evaluation of the outcomes. NSDC would welcome feedback on this provisional assessment, and on the later sections of this Scorecard report, so that a fuller picture of what has been achieved so far can be developed as a basis for determining the further action that is needed for full BTH implementation in a contemporary environment.

### 3.4.1 *Bringing them home* Summative Checklist

Despite the progress outlined in previous sections of this report, there are still significant shortfalls in responses to the BTH recommendations. NSDC has attempted to summarise both progress and shortfalls in the BTH Summative Checklist at Appendix A. This checklist is not definitive. It simply reflects NSDC's current understanding of issues to date, based on the information available.

Others may have different views based, among other things, on what is happening in their state, territory or community. However, the available evidence is sufficient to demonstrate the huge gap between the promise of BTH and what successive governments have been willing to do in response.

NSDC would welcome feedback on this checklist and hopes that this can become part of a national conversation that responds to the calls of Indigenous leaders such as Dr Tom Calma AO and Professor Muriel Bamblett AM for full implementation of BTH.

### 3.4.2 Factors affecting results

Any analysis of factors affecting results for the Stolen Generations is hampered by the fact that there is little consolidated national information on what was implemented, and even less about whether what was implemented met the needs of the Stolen Generations, their families and communities. However, NSDC can draw on various relevant reports and literature, as well as the evidence of service providers, and the knowledge and experiences of its members, partners and supporters.

One issue that has been highlighted again and again is that the needs of Stolen Generations survivors, their families and communities are complex, and that policy makers, program developers and service providers need to understand, and respond to, that complexity. Achieving this requires, among other things:

- an understanding of the specific importance of community to Indigenous peoples, Indigenous concepts of health and wellbeing, and the roles of culture, language and identity in maintaining health
- skills in identifying the nature of the issue being considered, the factors contributing to it, and how they can be drawn together in service provision
- the influence of changing socio-political environments on policy making and service provision.

The rest of this section illustrates some of this complexity through examples of trauma, loss and grief and mental ill health. It also indicates how BTH proposed that issues such as this should be addressed.

### ***Community focus***

A community focus is needed for at least four reasons. The first is that community is central to Aboriginal identity. The second, which was recognised in policy at least as long ago as 1989, is that the “social, emotional and cultural wellbeing of the whole community”<sup>45</sup> is part of the holistic Indigenous concept of health. The third is that forced separations removed the Stolen Generations from the context of family and community, and it follows logically that the needs of individuals from the Stolen Generations have to be redressed within the context of family and community. Fourthly, as a necessity all service responses occur in community contexts. All this means that both individualised services and support **and** family and community service level responses are needed to deal with the consequences of the separation of Aboriginal and Torres Strait Islander children from their families, and that tailored services need to be available in the community context that meet the needs of the Stolen Generations.

### ***Indigenous concept of health***

Aboriginal and Torres Strait Islander peoples’ view of health is holistic and involves:

Not just the physical well-being of the individual but the social, emotional, and cultural well-being of the whole community. This is a whole-of-life view and it also includes the cyclical concept of life-death-life.<sup>46</sup>

It is based on a “broader understanding of health” which stresses the need for harmony among the inter-related elements of health:

[The] Aboriginal concept of health is holistic, encompassing mental health and physical, cultural and spiritual health. Land is central to well-being. This holistic concept does not merely refer to the “whole body” but in fact is steeped in the harmonised interrelations which constitute cultural well-being. These inter-relating factors can be categorised largely as spiritual, environmental, ideological, political, social, economic, mental and physical. Crucially, it must be understood that when the harmony of these interrelations is disrupted, Aboriginal ill health will persist.<sup>47</sup>

In the context of the link between social and emotional wellbeing and mental health, many Stolen Generations stress that where there is mental ill health, it does not exist in a vacuum but is linked to their experiences of trauma and loss, and the resulting grief. These links were noted by the Social Health Reference Group, which prepared *A National Strategic Framework for Aboriginal and Torres Strait Islander Peoples’ Mental Health and Social and Emotional Well Being 2004-2009*, as follows:

Social and emotional wellbeing problems are distinct from mental illness, although the two interact and influence each other. Even with good social and emotional wellbeing people can still experience mental illness, and people with a long-term mental health condition can live and function at a high level with adequate support.<sup>48</sup>

### ***Complexity and service provision***

Complexity has many aspects, and all of them need to be taken into account in policy and planning for the service system. This section raises a number of complexity issues that affect the Stolen Generations, their families and communities.



### General responses to complexity

Improving wellbeing and mental health of individuals cannot be secured without addressing issues such as the provision of community resources for alleviating poverty and social exclusion. This is consistent with World Health Organization (WHO) evidence and best practice in international healing approaches for Indigenous peoples.<sup>49</sup> Issues such as low rates of school attendance, endemic family violence, alcohol and drug misuse, suicide, the over-representation of Indigenous men and women in the criminal justice system and critical housing shortages need to be addressed along with individual empowerment approaches.

As well, individualised counselling services and approaches for Stolen Generations and their families may be only one of many strategies through which healing can occur. Healing for many Indigenous people will need to occur through sharing in holistic learning situations, with the role of collective healing processes increasingly understood.<sup>50</sup> Significant work has also been carried out to show that it is only when safety for individuals is established that the risk of re-traumatising individuals is removed and that the possibilities exist for healing across generations and dealing with the trauma of associated family and community violence.<sup>51</sup>

### BTH and complexity

BTH recognised this complexity and understood that trauma informed counselling and person-centred approaches to mental health are required for individuals and immediate family members of the Stolen Generations **and** that trauma impacts collectively and is experienced at a community level **and** that service responses to the needs of the Stolen Generations therefore need to occur at multiple levels. BTH Recommendations 9, 27, 32-37 and 40 of BTH speak directly to some of the diverse responses required to respond to these three aspects of complexity, such as:

- Training for all professionals who work with Indigenous children, families and community about the history and effects of forcible removal (Recs. 9a, 9b);
- The establishment of an Australia wide program of Indigenous Family Information Services, staffed by Indigenous people to operate as a 'first stop shop' for people seeking information about and referral to records held by the government and by churches (Rec 27);
- Research into and the development of an Indigenous well-being model, health professional training and mental health worker training, funding of relevant Indigenous organisations in each region to establish parenting and family well-being programs and the provision of funding to establish preventative mental health services in all prisons and detention centres (Recs. 32, 33a, 33b, 33c, 34a, 34b, 35, 36 and 37); and
- That churches and other non-government welfare agencies review their counselling services, in consultation with Indigenous communities and organisations to ensure that they are culturally appropriate and that churches and other non-government agencies provide all possible support to Indigenous organisations delivering counselling and support services to those affected by forcible removal (Recs. 40a, 40b).

### Culture, language and identity

Aboriginal and Torres Strait Islander society is remarkable for its diversity of cultures, languages and ways that people identify, which means that for service responses for Stolen Generations there can be no one size fits all. Culture, language and identity cannot be overlooked in service responses to BTH because they are intertwined with social and emotional wellbeing. This means that it is not sufficient to say that, for instance, social and emotional wellbeing is ensured through counselling and other health related activities alone. For healing to occur counselling and other health related activities are important, but so is support for all aspects of culture, language and identity. The practical implications of this complexity are that the BTH recommendations cannot be separated into compartments.

For example, BTH included a range of recommendations for expanding Commonwealth funding to ensure national and regional coverage of Indigenous language, culture and history centres (Recs. 12a, 12b). Such recommendations and their relevance to ensuring reparation and support for individuals **and** Indigenous community development should not be ignored. As argued by the linguist Professor Ghil'ad Zukermann, chair of Linguistics and Endangered Languages at the University of Adelaide and currently running language workshops with the Bangarla people of Port Augusta, South Australia, the point of language revival is to; "improve the *wellbeing* of those who participate in the language reclamation and their associates".<sup>52</sup>

Another set of recommendations from BTH that cannot be separated from progress and community development initiatives was to do with establishment of identity. Identity is a key feature in all aspects related to BTH but specific BTH recommendations also address the importance of establishing processes for investigating identity and maintaining records:

- Record preservation (Recs. 22a, 22b);
- Indigenous repositories (Recs. 29a, 29b); and
- Establishment of family tracing and reunion services (Recs. 30a, 30b).

However, progress in these areas has been uneven and consequently this impedes Indigenous community development processes and initiatives and healing. For example, the capacity of family reunion services depends, among other things, on having sufficient staff with the right mix of skills, including family history expertise, to access a wide range of restricted and open access records to locate family history information for Stolen Generation clients. In some services, such as the Queensland Link-Up service, this is managed through its Research Team, which provides specialist support to Caseworkers and Counsellors to trace clients' family histories and reconnect them with family, community and country. Whether services manage this task through specialist support units or in some other way, NSDC believes there is insufficient funding and capacity across Australia to meet the demand for family reunion **and** the specialist family tracing support on which it depends.

### Socio-political environment, policy responses and service provision

As this Scorecard report and its checklist indicate there has been some, although not sufficient, progress in implementing the BTH recommendations; however, neither progress nor lack of progress can be taken out of the context of the larger and significant socio-political events which continue to shape the conditions in which the needs of the Stolen Generations are addressed and how they are addressed. This section will briefly examine one jurisdiction, the Northern Territory, and its complexity. This should be considered against the background of a constantly changing federal

political climate, which has seen ten changes in the office of prime minister in ten years and the extraordinary interruption to the machinery of government that accompanies the elections and leadership spills behind such changes and their impacts on the capacity of Indigenous people to have agency in their own affairs, let alone respond.

The early to mid-1990s, at the end of which the BTH Inquiry was established, was a time during which there was a sense of positive change towards a better future and genuine self-determination among Aboriginal people, which included the establishment of the Aboriginal and Torres Strait Islander Commission (ATSIC) and formal involvement in the processes of government, as well as the Mabo decision and recognition of native title. The BTH Inquiry was also informed by the principles that underpinned these social and political changes. After that period, and following a change of government in 1996, some of these changes were reversed, and new approaches, which diminished Indigenous self-determination, were introduced. ATSIC was disbanded, the potentiality of the Native Title Act for Indigenous advancement was reduced and around a decade later the Northern Territory Emergency Response or the 'Intervention' into the lives of Northern Territory Aboriginal individuals and communities began, with its assimilationist overtones.<sup>53</sup>

This ongoing intervention, introduced just ten years after the BTH Report was released, has been labelled as "a governmental intervention unmatched by any other policy declaration in Aboriginal affairs in the last forty years".<sup>54</sup> A whole-of-government response was mounted to the declared national emergency that included the Army being sent into discrete communities to provide logistical and administrative support; while this activity was intended to provide logistical and administrative support to the response, it was overwhelming and contributed to feelings of fear. This fear intensified as the federal and territory governments took control of all aspects of Aboriginal people's lives including: finances and welfare payments through compulsory economic management; health service arrangements; housing provision; land tenure; policing; law and order; governance; and, of direct relevance to this NSDC Scorecard report, **the care of children, rendering them little more than wards of the state.**<sup>55</sup> The Intervention, it is argued, contravenes BTH recommendations in that it "rejects child welfare responses based on human rights principles, in particular principles of self-determination".<sup>56</sup>

The history of the Intervention is complex, but its consequences cannot be underestimated in terms of understanding the environment in which any talk of community development initiatives and healing occurs. Its characteristics make it evident that empowerment and self-determination amongst Indigenous communities face many difficulties. It has led many commentators to call for the development of more collaborative policy processes where community governance and self-determination are repositioned as central and for a rethink of the relationship between Indigenous Australians and the state.<sup>57</sup>

In the context of the Scorecard review, the impact of policy changes and, in some cases, policy volatility, was summed up by one contributor to NSDC's research<sup>58</sup> as follows:

It is hard to sort out meaningful priorities in the context of the radical changes being experienced in the Northern Territory. This is linked to developments throughout Australia. But the huge problem of ongoing removal of children in the Northern Territory cannot be underestimated and the over-representation of Aboriginal people in custody demonstrates that there has not been substantial progress of recommendations of BTH. Nevertheless, on a more positive note the trauma and recovery frameworks being developed in the Northern Territory are interesting and

emergent practice models and need to be recorded, along with those other exciting developments from around Australia.

This comment highlights the way both positive and negative aspects of policy changes affect the Stolen Generations, their families and communities – through the policies themselves; through the interaction of policies, sometimes contradictory or inconsistent, made at different levels of government; and through the impacts on services trying to achieve BTH outcomes.

These factors affecting results, together with the continuing concerns outlined in Section 4 below, have all been taken into account in developing the broad recommendations in Section 5 on how to address shortfalls in responses to BTH.

## 4.0 CONTINUING CONCERNS

Despite significant advances, six years on from the National Apology and 17 years on from the BTH Report, the Australian nation still has a distance to travel to honour the BTH report's promise and fulfil the renewed hope generated by the National Apology.

The three statements (reprinted below) quoted below from sections of the BTH report on 'international and human rights' and 'making reparations', make points that NSDC still hears being made today: removal has scarred lives and the harms continue to affect later generations; past laws, policies and practices of separation contribute to alienation experienced today; gross violations of human rights occurred and were an act of genocide. This underscores why reparation is still critical for the Stolen Generations, their families and communities, and the nation:

...The Australian practice of Indigenous child removal involved both systematic racial discrimination and genocide as defined by international law. Yet it continued to be practised as official policy long after being clearly prohibited by treaties to which Australia had voluntarily subscribed.

..Indigenous children and their families continue to be judged from an Anglo-Australian perspective which demonstrates little respect for Indigenous values, culture and child-rearing practices. It provides little or no encouragement of or support for Indigenous parenting

...The Inquiry has found that the removal of Indigenous children by compulsion, duress or undue influence was usually authorised by law, but that those laws violated fundamental common law rights which Indigenous Australians should have enjoyed.<sup>59</sup>

The main concerns NSDC hears today in relation to these matters are:

- The approach to implementation has not, in general, been based on the human rights framework, which informed the BTH recommendations.
- There is still no national accountability framework for implementation of the BTH recommendations and review of results.
- Reparation is still not complete.
- There are still unresolved service system issues.
- Some of the service system issues relate to type, appropriateness, quality, quantity and access.
- Some of the service system issues are particularly affected by the lack of integration of the rights framework into policy, programs and service delivery, and by the lack of an accountability framework.
- The socio-economic difficulties of the Stolen Generations are even greater than for other Indigenous people in Australia, effectively creating a 'gap within the gap'.<sup>60</sup>
- Some of the recent gains appear to be at risk.

All the issues above compound the trauma, loss and grief of the Stolen Generations, their families, and communities, and of Indigenous societies across Australia.

The rest of this section provides examples of these continuing concerns, as a basis for the development of the suggested ways forward in Section 5.

### ***Human rights framework***

BTH used a human rights framework for both its analysis of the laws, policies and practices that created the Stolen Generations and its development of responses to reparation for past removals and a new system for current generations of Indigenous children to replace the “[e]xisting systems [that] have failed miserably”.<sup>61</sup>

In neither case has this occurred. Stolen Generations survivors in general still await full reparation; and, in contrast to nations such as Canada, no Australian government has developed a fundamentally different approach involving “a framework for negotiating autonomy measures” that would support “the eventual transfer of responsibility for children’s wellbeing to Indigenous peoples”;<sup>62</sup> and accord with the United Nations *Declaration on the Rights of Indigenous Peoples* (UNDRIP).

Both full reparation and a child protection system that integrates self-determination and children’s rights and safety are still needed.

### ***Accountability***

There is still no systematic process for monitoring the implementation of the BTH recommendations or for monitoring, evaluating and reviewing the outcomes – for the Stolen Generations, their families and communities – from implementation or failure to implement.

BTH intended that there would be a national procedure, overseen by COAG, for developing a process for implementation and for receiving and responding to “annual audit reports on the progress of implementation”. The procedure would have involved the establishment of a National Inquiry audit unit in the then HREOC, which would report to COAG annually; funding for four peak Indigenous organisations to “research, prepare and provide” annual submissions to inform the audit unit’s reports; and a commitment by the Commonwealth, States and Territories to provide “fully detailed and complete information to the National Inquiry audit unit annually on request” about progress in implementing the BTH recommendations.<sup>63</sup>

A national accountability measure is still needed, and it needs to cover long term as well as short term outcomes, and outcomes for families and communities as well as for individuals. Additionally there should be mechanisms to capture evolving policy priorities such as aged care and overrepresentation in the justice system.

### ***Reparation***

There are still shortfalls in responses in the area of reparation. For example, only one of the Australian governments, that of Tasmania, has implemented the BTH recommendations on compensation. There is some progress in South Australia.<sup>64</sup> This failure of all Australian governments to accept monetary compensation as a right has, except in Tasmania, left the Stolen Generations at the mercy of “at best a social justice lottery – where each Stolen Generations plaintiff takes a huge gamble, with the odds stacked against them”.<sup>65</sup>

### ***Service system issues***

Many of the Stolen Generations find that the service system as a whole is unaware of their specialised needs, and unaware that they cannot always be met within a generic Aboriginal and Torres Strait Islander service framework. NSDC highlighted this point in its 2013 response to the *Discussion Paper* on the development of a renewed SEWB Framework<sup>66</sup>, underpinning it with information about the Stolen Generations' trauma, loss and grief impacts; their disrupted connections to land or country, community, language and culture; the resulting complexity of needs; the need for strengths based approaches with appropriate emphasis on identifying and meeting clinical mental ill health needs while also placing greater emphasis on healing and social and emotional wellbeing support; and the barriers that their experiences have created to accessing services (see Appendix B). NSDC also emphasised the knowledge, understanding, skills and training needed by policy and program developers, and service providers and managers, if they are to be able to meet the specialised needs of the Stolen Generations, including the ongoing day to day impacts that mark their lives.

### ***Services***

There are continuing concerns about the types of services available, their quality, their capacity, and the barriers to accessing them.

For example, in relation to capacity, while the Link-Up services and AIATSIS have made considerable contributions to searching for family and community, and to reuniting them where possible, more people need their services than can use them. NSDC's own 2002 survey found that "several thousand people, particularly in country and rural areas, would make use of the Link-Up services if they could access them";<sup>67</sup> and in 2005 "the WA Link-Up service ... concluded that there is considerable 'latent demand' for services from secondary and subsequent generations of the Stolen Generations".<sup>68</sup> There is no reason to believe that this situation has changed to any great degree, nor that the need for Link-Up services will diminish with time. There remains a discussion to be had about the long-term need for such services, with their accumulated knowledge and skill, given the intergeneration amplification of removals that appears to be taking place and present high rates of Indigenous children in out of home care.

### ***Lack of integration of rights, policies, programs and service delivery***

One of the clearest examples of this concern relates to the continuing and highly disproportionate level of removal of Aboriginal children from their families and communities today. The self-determination framework for children's wellbeing has been realised only in the legislative recognition of an Aboriginal and Torres Strait Islander Child Placement Principle in all jurisdictions in Australia. Dr Terri Libesman, who was an expert consultant to the BTH Inquiry, raised this issue at the BTH 10<sup>th</sup> anniversary conference. She refuted the argument that children's rights and children's safety are in opposition, and noted that:

While it is a great achievement to have legislative recognition of an Aboriginal and Torres Strait Islander Child Placement Principle in all jurisdictions in Australia there is still a long way to go before the Principle is in fact achieved.<sup>69</sup>

and

While the reforms discussed incorporate Indigenous input into decisions about their children, they do not develop an Indigenous pathway for participating in the care and protection of their children. Instead, they provide an avenue for Aboriginal and Torres Strait Islander participation in the mainstream departmental process.<sup>70</sup>

In other words, the many BTH recommendations carefully designed to ensure self-determination with children's safety (Rec. 42 onwards) remained largely unimplemented at that stage and many Aboriginal children remained at risk of isolation from family, community, land or country, language and culture.

This is still the case, as evidenced by the work of groups such as the NSW North Coast Grandmothers Against Removals (GMAR)<sup>71</sup>, whose advocacy has "forced crisis meetings between the New South Wales Government and Indigenous leaders". GMAR is reported as "asking officials ... to consult with the Aboriginal community **before** [emphasis added] removing children".<sup>72</sup> NSDC is heartened that the NSW Government has now agreed to engage to facilitate community input into child protection and out-of-home care decisions. However, while welcome, this development appears to relate to just one geographic area and is an extremely limited response by governments to the thoroughly worked through BTH recommendations of 17 years ago which were designed to ensure an integrated framework for the wellbeing of Indigenous children and young people, based on Indigenous self-determination. GMAR has now called for "'a national reunification scheme for children and their families and an independent review of the welfare policies driving Indigenous children's removal from families'".<sup>73</sup>

### ***Socio-economic disadvantage***

As NSDC noted in its submission to the renewal of the SEWB Framework, in general the Stolen Generations are more disadvantaged than Aboriginal and Torres Strait Islander people who were not forcibly separated from their families and communities; and this has been described, in the context of the gap in health outcomes between the Aboriginal and Torres Strait Islander population and other Australians, as a 'gap within the gap'.<sup>74</sup> The evidence for the socio-economic disadvantage of the Stolen Generations includes:

- The findings of the BTH Inquiry
- The 2006 report to the then Ministerial Council for Aboriginal and Torres Strait Islander Affairs (MCATSIA) which establishes the higher levels of disadvantage of members of the Stolen Generations, compared with other Aboriginal and Torres Strait Islander people, using "large datasets collected for the National Aboriginal and Torres Strait Islander Social Survey and the National Aboriginal and Torres Strait Islander Health Survey to compare outcomes for Aboriginal people removed from their families, versus those who had not been removed"<sup>75</sup>
- The Western Australian Aboriginal Child Health Survey (WAACHS) at <http://aboriginal.childhealthresearch.org.au/kulunga-research-network/waachs.aspx>
- The 2008 National Aboriginal and Torres Strait Islander Social Survey (NATSISS)<sup>76</sup>
- New and emerging research, including findings from independent research institutes.<sup>77</sup>



### ***Risks to recent gains***

In 2014, some of the recent gains appear to be at risk. The Aboriginal and Torres Strait Islander Healing Foundation, whose website opens with a short video eloquently explaining the continuing need for healing<sup>78</sup>, has been unable to offer a funding round under the *Stolen Generations Initiative* since 2012;<sup>79</sup> the *Stolen Generations Working Partnership*, which had started to make progress on some of its identified priorities, has ceased to operate; and the National Curriculum, which at present includes age related material on the Stolen Generations at both primary and secondary school levels (achieved after extensive lobbying by the NSDC) is being reviewed.

As well, the SEWB Framework, for which the only round of public submissions closed in May 2013, has not been released; nor has the *National Education Package on Forgotten Australians* for the aged care sector been released – a project which commenced over four years ago that includes information on the ageing experiences and needs of Stolen Generations survivors and other Aboriginal care leavers.

Equally importantly, the findings of a data research project, commissioned by the then FaHCSIA as a direct result of lobbying by the NSDC with the specific purpose of enabling the Stolen Generations Working Partnership, and funded to the tune of \$200,000, have not been released. This work, which NSDC understands has been completed by AIATSIS, aimed to consolidate the evidence base for the Stolen Generations by identifying and collating available data. NSDC believes it is unethical to withhold the information contained in the several reports it understands are already prepared. Our members question why the government has access to this information, whilst the community does not. The knowledge the documents contain belongs to the Indigenous community.

It is also unconscionable, given the urgency of Stolen Generations issues, that the information from the three outstanding projects named here, which could assist in providing better, more targeted information for community controlled organisations, as well as government policy makers, program developers and service providers, is not yet in the public domain.

### ***Trauma, loss and grief***

Trauma, loss and grief are constant accompaniments to Indigenous life. This was recognised in, for example, the introduction to the collected papers of the 1999 Conference, *Moving Forward Together*, which refers to “the trauma of dispossession, mistreatment, poor education and housing” and to “the continuing effects of trauma, loss and grief issues [a]ffecting Aboriginal people”.<sup>80</sup>

It is also recognised by some that: “Collective distress and trauma exist as underlying stressors to Aboriginal life.”<sup>81</sup> The effects of trauma, loss and grief on the Stolen Generations were documented, in their own words, in the BTH report, and the National Apology drew further attention to the issues they face. Despite this, the issues are still not well enough understood, and there is insufficient recognition and understanding of:

- the scope of the trauma, loss and grief of Stolen Generations survivors, the impacts on all domains of wellbeing, and thus on all aspects of the health and wellbeing of the Stolen Generations
- the ways this trauma, loss and grief affect the Stolen Generations’ families and communities
- the additional trauma, loss and grief which occur as the Stolen Generations witness the intergenerational impacts of forcible separations.<sup>82</sup>

**Conclusion to this section**

NSDC believes that it is now time for a renewed commitment to both the Stolen Generations and to the families and communities affected, which takes into account all the BTH recommendations as well as the initiatives currently in place. The people best placed to guide what is needed now, and into the future, are the Stolen Generations themselves, and in the next section of the Scorecard NSDC outlines some ideas for a process to achieve a contemporary commitment to the BTH recommendations which, 17 years ago, the Stolen Generations did so much to shape.

## 5.0 SUGGESTED WAYS FORWARD

In this Section, NSDC suggests ways forward for the period from 2015 (the 20<sup>th</sup> anniversary of the commissioning of BTH) to 2017 (the 20<sup>th</sup> anniversary of the report's release) so that by the end of that period the Stolen Generations will be able to state that:

- reparation, commensurate with the wrongs inflicted, has been made in accordance with BTH Recommendation 3
- all the BTH recommendations have been incorporated into policy making, program development, budgeting, service provision and review of results.

NSDC suggests this time frame not just because these two anniversaries are significant in their own right, but because of the urgency of fully implementing the responses BTH developed for the Stolen Generations, their families and communities, and current generations of Indigenous children.

The Stolen Generations are ageing, so meeting their needs is an urgent priority. Many Stolen Generations survivors are dying before they can find family or be reunited with them – or before family can find them. As a former Link-Up CEO said:

One image that will always remain with me is of one of our Aunties, digging at her mother's grave with her bare hands. Graveside reunions like this are heartbreaking for everyone involved, but most of all for the families. An apology, although welcome, is only the beginning of the process of trying to set things right for them.<sup>83</sup>

An urgent response is also needed to the inter-generational impacts of forced removals, which are reflected in the still extraordinarily high level of over-representation of Aboriginal children in the child protection and out-of-home care systems.<sup>84</sup> The risks that this poses are now being talked about as creating further Stolen Generations.

**This is not an either/or issue – both sets of needs are urgent – and, as Aboriginal leaders have stated, BTH still provides an excellent framework for addressing them.**

In the rest of this report, NSDC outlines its suggestions for addressing current concerns. These suggestions need to be tested more widely, as selected and isolated interventions by individual organisations will not bring about the desired change. To achieve this, we need to make a significant collective impact. For this reason, NSDC advocates working with organisations that serve the Stolen Generations and collectively working with Stolen Generations and each other to refine the suggested ways forward. NSDC urges the input of organisations and individuals who would like to contribute to this process and to the development of an action plan for the changes needed for full BTH implementation in a contemporary environment. The current development of an implementation plan for the *National Aboriginal and Torres Strait Islander Health Plan 2013-2023* is one such opportunity. However, this implementation plan in itself will not be sufficient to address all the changes NSDC believes are needed.

NSDC has presented its suggestions in the form of recommendations, mainly to governments at the Commonwealth, State and Territory levels. These recommendations form a suggested basis for negotiations on ways of moving forward on outstanding BTH issues. The first recommendation is a general one focussing on the urgency of developing an overall strategy for implementing outstanding BTH recommendations. The next six recommendations (Recs 2-6) deal with principles and approaches that need to be recognised in their own right but also need to be integrated into all

aspects of the strategy. The last five recommendations (Recs 7-11) address service system matters that can be addressed now, in advance of the overall strategy, with the results to be fed back into the development and review of the strategy.

## 5.1 Urgency

*We need to act now*

Urgent action is needed on BTH measures directed towards justice and fairness for the Stolen Generations **and** on the BTH measures designed to ensure rights based wellbeing for current generations of Indigenous children.

### **Recommendation 1**

- A. That the Australian Government address, as a matter of urgency, the development of a national strategy to implement outstanding BTH recommendations in the contemporary environment.**
- B. That the strategy include both BTH measures directed towards justice and fairness for the Stolen Generations and the BTH measures designed to ensure rights based safety for current generations of Indigenous children.**
- C. That the Australian Government pursue bipartisan support for the strategy.**

## 5.2 Principles and approaches

*Stolen Generations have the knowledge*

The narratives of the Stolen Generations and their experiences are the groundwork from which any future work must proceed. This approach underpinned the BTH report, and informed its recommendations. We must continue to listen to the narratives of members of the Stolen Generations and their descendants about priority areas for action.

### **Recommendation 2**

**That the strategy be developed through negotiations with the Stolen Generations and the organisations that work in their interests.**

*Stolen Generations need justice as well as fairness*

Justice and fairness would be satisfied if Recommendation 3, which summarises the reparations required, were implemented in full.

### **Recommendation 3**

**That the strategy include a framework for the resolution of Recommendation 3 of the BTH report.**

*Culture is central*

For any society, culture is central to identity. It determines the values the society lives by, and the way those values are implemented. It governs political and social organisation, and individual behaviour.<sup>85</sup> The reinforcement or reclamation of culture, including language maintenance or recovery, is of critical importance to the development of identity not only for the Stolen Generations but also for their descendants. This still needs to remain a focus. In addition, given the age and health issues faced by the Stolen Generations, there is an urgent need for advice to service providers on the interaction of culture, identity and service provision.

*Health is a holistic concept*

As noted earlier in this report, the Indigenous concept of health is holistic and integrates physical health, mental health, cultural health and spiritual health, and acknowledges the centrality of land to wellbeing.

*Individuals, families and communities all matter*

Community is fundamental to Indigenous society, and the wellbeing of the whole community, not just the individuals within it, is crucial to Indigenous health and social and emotional wellbeing.

**Recommendation 4**

- A. That the strategy informs and is informed by the distinctive aspects of Indigenous culture, identity, health and wellbeing, and societal organisation.**
- B. That the strategy be informed by the distinctive aspects of Indigenous culture, identity, health and wellbeing, and societal organisation.**
- C. That these distinctive aspects be integrated into all parts of the strategy.**

*We need to maintain the gains*

**Recommendation 5**

**That there be no provisions in the strategy that require the trading of current gains for the achievement of future remedies.**

*We need to work together*

Achieving justice and fairness for the Stolen Generations requires broad cross-sector collaboration and coordination. Basic requirements are:

- agreement on a common agenda
- mutually reinforcing activities across a range of partners
- development of shared measurement systems
- ways of determining the efficacy of partnership activities
- continuous and trustful communications
- a key role for backbone support organisations such as sector peaks and for key service providers such as the Link-Up services.

### **Recommendation 6**

**That the strategy incorporate broad cross sector collaboration and cooperation into all its components.**

## 5.3 Service system issues

### *Changes are needed to the service system*

Services on the ground are the point at which policy decisions impact on people's daily lives. Even if individual organisations frame their service delivery within the above concepts, they will not be fully effective for Stolen Generations survivors, their families and communities unless all those involved in researching, developing, implementing and reviewing policy are also aware of the issues affecting the day to day lives of these groups. As it stands (and this applies to many policy, program and service delivery documents) even where the Stolen Generations are named, their particular needs - whether in relation to policy, programs, service provision or evaluation – are generally not distinguished. This omission is even more pronounced in relation to the needs of the families and communities.

Other areas where policy making and program development need a sharper focus, if the service system is to be able to acknowledge and respond to the particular needs of the Stolen Generations, include:

- integration of rights, policies, programs and service delivery
- recognition of, and action to address, the complexity of the needs of the Stolen Generations
- appropriate clinical approaches and more emphasis on social and emotional wellbeing support
- recognition that recovery from the impacts of separation from family and community is a long process and needs to be done at a safe and supported pace so that clients healing from the traumas of separations, and all the follow-on effects down the generations, can:
  - gradually overcome fear and distrust
  - safely and gradually build their capacity to make use of the other services that are available, if they are appropriate for their needs
- recognition of the scope of action required to address the disproportionate socio-economic disadvantage of the Stolen Generations
  - this requires better basic services and stronger collaboration among the agencies which provide or facilitate them, based on an understanding that:
    - for the Stolen Generations, as for all people, the availability of basic services (housing, health, education, transport, access to employment) is a vital component of wellbeing
    - trauma, loss and grief can affect the Stolen Generations' capacity to access these services
- recognition of the intergenerational impacts of child removals and that the current escalation in child removals has its roots in the original removal of Aboriginal people from country, family and community through policies of forced removals and that individual and collective healing must be allowed to occur to achieve the self-determination essential to breaking this cycle
  - this requires the ongoing support for and coordination with healing initiatives and institutions such as the Healing Foundation, which is currently funded until 2017

- stronger recognition of the need for the education and training of mainstream services in general to better meet the needs of Stolen Generations
  - particular recognition of the need to accelerate education and training in aged care services, given the ageing of the Stolen Generations
  - given the ageing of the population in general, the work done to build trust and improve social outcomes for ageing Indigenous people in general, and the Stolen Generations in particular, could provide a broad foundation for particularised approaches to the needs of other ageing groups
- stronger recognition of the need for workforce development and organisational support, particularly in the NGO sector.

### **Recommendation 7**

- A. That changes be made to the Commonwealth, State and Territory service systems so that they include a specific and systemic focus on issues affecting the Stolen Generations.**
- B. That the changes incorporate matters already specified by NSDC in its submission to the renewal of the Aboriginal and Torres Strait Islander Social and Emotional Wellbeing Framework.**

#### *Services need to be responsive*

Training is a key issue here as, for services to be responsive, their management and staff need specialist Stolen Generations training, not just general cultural training in Indigenous issues. This was acknowledged in then Prime Minister Rudd's 26 May 2008 commitment that all health professionals would be trained to work with the Stolen Generations.

Training needs to include the centrality of culture, including connection to land or country and language, the holistic Indigenous definition of health, and the particular ways in which community is the foundation of Indigenous societies. It also needs to sensitise services to the specific trauma, loss and grief experienced by the Stolen Generations, their families and communities, to the way it impacts on their daily lives, and to the ways it affects their access to services.

Information on all the barriers to access also needs to be part of training for working with the Stolen Generations. As well as the access problem referred to above, barriers to access can also include:

- types of services available
- distance and transport issues
- disability access
- trust issues
- learned experience
- privacy issues
- cost
- safety, time and skills issues.

### **Recommendation 8**

- A. That training and development on issues specific to the Stolen Generations be built into the Commonwealth, State and Territory service systems.**
- B. That the training and development incorporate matters already specified by NSDC in its submission to the renewal of the Aboriginal and Torres Strait Islander Social and Emotional Wellbeing Framework.**

#### *Services need increased capacity*

Indicators of the need for increased service capacity include the unmet demand for family tracing, family reunion and counselling services, together with the continued over-representation of Indigenous children in the child protection and out-of-home care systems, Indigenous young people in juvenile detention, and Indigenous adults in prison, and the even greater levels of disadvantage experienced by the Stolen Generations. While turning around the levels of over-representation, and addressing disadvantage, involve a broad range of services, including better basic services, over a long period, there needs to be an immediate increase in funding for specific services addressing the needs of the Stolen Generations.

### **Recommendation 9**

**That the Commonwealth, States and Territories allocate resources commensurate with demand, including latent demand, for services to meet the needs of the Stolen Generations.**

#### *Services need to respond to the intergenerational impacts*

The intergenerational impacts of the forced separations of previous generations of Aboriginal children from their families and communities is reflected most starkly in the high rate of statutory removals of current generations of Aboriginal children. These children are extraordinarily over-represented in the State and Territory care and protection systems, and at present there is no indication that this is being reversed or even stemmed.

### **Recommendation 10**

- A. That the States and Territories act immediately to implement the BTH recommendations designed to ensure children's rights with children's safety through a self-determination framework.**
- B. That this be undertaken in a manner that recognises local Indigenous community knowledge, skill and experience while also maintaining consistency across the states and territories in relation to the rights inherent in the set of BTH recommendations.**

#### *We need to know the results*

Whether in services for the Stolen Generations themselves, or in services that relate to the intergenerational impacts, we need to know what is working – in both the short term and the long term. We need to develop measureable performance indicators that not only include outcomes but also long term impact measurements. The measuring of long-term impact requires commitment,



perseverance and dedicated resources, but the resulting tracking of intergenerational changes will allow better targeting of future resources and refinement of strategies. We need to develop an integrated monitoring, evaluation and review framework for this to occur.

**Recommendation 11**

- A. That the Commonwealth, States and Territories develop a monitoring, evaluation and review framework for services for the Stolen Generations.**
- B. That this framework incorporate Stolen Generations specific services as well as other services that are, or could be, used by the Stolen Generations.**
- C. That the development of indicators, measures and results, as well as their ongoing review, be undertaken in partnership with the Stolen Generations and the organisations working in their interests.**

## 6.0 CONCLUSION

This report is offered to policy makers and to the community as a way forward towards the meaningful implementation of the recommendations of the *Bringing them home* Report. We have found that the implementation of BTH recommendations remains largely incomplete. We have made a series of high-level recommendations to guide the integration of the BTH recommendations into future policy and program delivery. We believe that the unfinished business of the Stolen Generations needs to be front and centre in Indigenous affairs and the original BTH recommendations offer a sound foundation towards achieving this.

The BTH recommendations proposed implementable models and approaches built around a human rights framework, including the right to self-determination. They recognised the links between self-determination and healing and self-determination and children's wellbeing. They recognised the plurality of Indigenous communities and the need to respect local community practices, as well as the need for national standards legislation that would apply across communities.

These characteristics of the *Bringing them home* recommendations are also fundamental to the resolution of other unfinished business between Aboriginal and Torres Strait Islander peoples and other Australians. If we fail to implement these recommendations, we not only fail the Stolen Generations and the current generations of Aboriginal and Torres Strait Islander children, we also undermine efforts to reach a lasting settlement among us, and the achievement of the long cherished national ideal of equality of opportunity for all.

In 2007, the Aboriginal and Torres Strait Islander Social Justice Commissioner, Dr Tom Calma, reminded us that we should not just look back and take stock, but "breathe new life into the recommendations of the BTH report ... [whose] currency has not faded with the course of a decade".

This exhortation is as relevant today as it was in 2007, but the need for action is even greater, if the messages to the community in 2017, the 20<sup>th</sup> anniversary of the *Bringing them home* report, are to be about progress on one of our most important national issues rather than failure.

## REFERENCES

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- <sup>2</sup> Quoted by Link-Up (NSW) Aboriginal Corporation at <http://www.linkupnsw.org.au/link-up-nsw>.
- <sup>3</sup> BTH Report, p 50 of the PDF version available at <http://www.humanrights.gov.au/publications/bringing-them-home-stolen-children-report-1997>
- <sup>4</sup> BTH Report p. 218 *ibid*.
- <sup>5</sup> BTH Report p. 154 *ibid*.
- <sup>6</sup> NSDC, *The History of the Stolen Generations*, available at <http://www.nsd.org.au/stolen-generations/history-of-the-stolen-generations/the-history-of-the-stolen-generations> accessed 3 December 2014.
- <sup>7</sup> See Section 4.0 this report for a list of sources for this statement.
- <sup>8</sup> For example, the Australian Senate motion on this issue passed on 2 October 2014.
- <sup>9</sup> The UNESCO Citation is available at <http://www.amw.org.au/content/sorry-books-0>.
- <sup>10</sup> *The Report of the Follow Up Project on the progress of Australian Governments' Responses to and Implementation of the Recommendations made by National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from their Families in its Bringing Them Home Report (1997)* (1998 Follow Up Report), available at <http://www.austlii.edu.au/au/journals/AUIndigLawRpr/1999/34.html>.
- <sup>11</sup> Section 5 of 1998 Follow Up Report at <http://www.austlii.edu.au/au/journals/AUIndigLawRpr/1999/34.html>
- <sup>12</sup> NSDC Constitution, p 1
- <sup>13</sup> The National Apology can be read at <http://parlinfo.aph.gov.au/parlInfo/search/display/display.w3p;query=Id%3A%22chamber%2Fhansardr%2F2008-02-13%2F0003%22> or read, viewed and heard at <http://www.australia.gov.au/about-australia/our-country/our-people/apology-to-australias-indigenous-peoples>.
- <sup>14</sup> The SGWP booklet is available at [https://www.dss.gov.au/sites/default/files/documents/05\\_2012/stolen\\_gen\\_working\\_part.pdf](https://www.dss.gov.au/sites/default/files/documents/05_2012/stolen_gen_working_part.pdf).
- <sup>15</sup> Buti, A. (2000). Unfinished Business: The Australian Stolen Generations. *Murdoch University Electronic Law Journal*, 7(4). Available at <http://www.austlii.edu.au/au/journals/MurUEJL/2000/45.html>
- <sup>16</sup> BTH Report pp. 234, 245, 492 and 512 *Op.cit*.
- <sup>17</sup> More information about National Sorry Day is available at <http://www.nsd.org.au/events-info/national-sorry-day/national-sorry-day>
- <sup>18</sup> The recommendations are available at <http://www.humanrights.gov.au/publications/bringing-them-home-appendix-9-recommendations>.
- <sup>19</sup> Recommendation 3 *ibid*.
- <sup>20</sup> Recommendation 2a-2d *ibid*.
- <sup>21</sup> Available at <http://www.austlii.edu.au/au/journals/AUIndigLawRpr/1999/34.html>
- <sup>22</sup> Available at <https://www.humanrights.gov.au/publications/social-justice-report-1998>
- <sup>23</sup> Referred to in Moran, H at <http://www.austlii.edu.au/au/journals/AUIndigLawRw/2008/3.html>, p 13.
- <sup>24</sup> Available at <http://www.humanrights.gov.au/submission-senate-legal-and-constitutional-references-committees-inquiry-stolen-generation>
- <sup>25</sup> From the 2000 report of the Legal and Constitutional References Committee of the Australian Senate entitled *Healing: A legacy of generations – The report of the inquiry into the federal government's implementation of recommendations made by the Human Rights and Equal Opportunity Commission in 'Bringing them home'*
- <sup>26</sup> NSDC, *Responses to and Outcomes of the Report*, available at <http://www.nsd.org.au/stolen-generations/history-of-the-stolen-generations/responses-to-and-outcomes-of-the-report>.
- <sup>27</sup> The evaluation report, *Evaluation of the Bringing them home and Indigenous mental health programs* (2007) was prepared by Urbis Keys Young for the Office for Aboriginal and Torres Strait Islander Health, Australian Government Department of Health and Ageing, Commonwealth of Australia.

<sup>28</sup> This conference was held in Sydney by the Indigenous Law Centre and the Human Rights and Equal Opportunity Commission on 28 September 2007. The conference speeches and papers are documented in a Special Edition of the *Australian Indigenous Law Review* available at <http://www.ilc.unsw.edu.au/publications/ailr/volume-12-special-edition>.

<sup>29</sup> Available at [http://www.aph.gov.au/About\\_Parliament/Parliamentary\\_Departments/Parliamentary\\_Library/pubs/BN/0708/BringingThemHomeReport](http://www.aph.gov.au/About_Parliament/Parliamentary_Departments/Parliamentary_Library/pubs/BN/0708/BringingThemHomeReport)

<sup>30</sup> HREOC's 10 year commemorative project which sought views from "Indigenous peoples across Australia to tell us their experiences of removal, their thoughts ten years on from the Inquiry and their hopes for the future". These views were published as "poetry, stories and artwork" in *Us Taken-Away Kids*. It is available at <http://www.humanrights.gov.au/us-taken-away-kids-commemorating-10th-anniversary-bringing-them-home-report>.

<sup>31</sup> Available at <http://www.nsd.org.au/advocacy/sgwp-scorecard>.

<sup>32</sup> Dr. Calma's speech, *Australian Government responses to the Bringing them home Report*, is available at <http://www.humanrights.gov.au/publications/rightsed-bringing-them-home-9-responses-inquiry-australian-government>

<sup>33</sup> Libesman, T. *A Human Rights Framework for Contemporary Aboriginal and Torres Strait Islander Children's Wellbeing*, p 72, available at <http://www.auslii.edu.au/au/journals/AUIndigLawRw/2008/10.html>.]

<sup>34</sup> Calma, T in *Australian Government responses to the Bringing them home Report*, p. 4 available at <http://www.humanrights.gov.au/publications/rightsed-bringing-them-home-9-responses-inquiry-australian-government>

<sup>35</sup> Available at [http://www.austlii.edu.au/au/orgs/car/recognising\\_rights/pg1.htm](http://www.austlii.edu.au/au/orgs/car/recognising_rights/pg1.htm)

<sup>36</sup> More details on these responses can be found in <http://www.humanrights.gov.au/publications/rightsed-bringing-them-home-9-responses-inquiry-australian-government>

<sup>37</sup> Calma, T in *Australian Government responses to the Bringing them home Report*, p. 4 available at <http://www.humanrights.gov.au/publications/rightsed-bringing-them-home-9-responses-inquiry-australian-government>

<sup>38</sup> As stated on the Healing Foundation's About Us web page at <http://healingfoundation.org.au/about-us/> accessed 4 November 2014

<sup>39</sup> As stated on the Healing Foundation's About Us web page at <http://healingfoundation.org.au/about-us/> accessed 4 November 2014

<sup>40</sup> The media release is available at <http://www.snaicc.org.au/uploads/rsfil/01851.pdf>

<sup>41</sup> Available at [http://aboriginal.telethonkids.org.au/media/54847/working\\_together\\_full\\_book.pdf](http://aboriginal.telethonkids.org.au/media/54847/working_together_full_book.pdf). This edition was funded by the Australian Government Department of Health and Ageing, and was developed by the Australian Council for Educational Research, the Kulunga Research Network, and Telethon Institute for Child Health Research.

<sup>42</sup> Available at *Working Together: Aboriginal and Torres Strait Islander Mental Health and Wellbeing Principles and Practice 2014* [http://aboriginal.telethonkids.org.au/kulunga-research-network/working-together-2nd-edition-\(1\)/](http://aboriginal.telethonkids.org.au/kulunga-research-network/working-together-2nd-edition-(1)/). This edition was funded by the Australian Government Department of the Prime Minister and Cabinet, Telethon Kids Institute/Kulunga Aboriginal Research Development Unit in collaboration with the University of Western Australia.

<sup>43</sup> *Working Together: Aboriginal and Torres Strait Islander Mental Health and Wellbeing Principles and Practice 2014*. p. 57

<sup>44</sup> *Working Together: Aboriginal and Torres Strait Islander Mental Health and Wellbeing Principles and Practice 2014*. p. 548

<sup>45</sup> National Aboriginal Health Strategy Working Party (NAHSWP) (1989). *A national Aboriginal health strategy*, Canberra, National Aboriginal Health Strategy Working Party.

<sup>46</sup> NAHSWP, 1989, as quoted in *National Strategic Framework for Aboriginal and Torres Strait Islander Peoples' Mental Health and Social and Emotional Well Being (2004-2009)*, p 7.

<sup>47</sup> Swan and Raphael, 1995, as quoted in above *National Strategic Framework*, p 7.

<sup>48</sup> As quoted in the SEWB section of the Discussion Paper for the renewal of the 2004-2009 SEWB Framework, at <https://www.sprc.unsw.edu.au/about-us/doha-sewb-framework-consultation/discussion-paper/social-and-emotional-wellbeing/>

<sup>49</sup> Tsey, K., M. Whitside, et .al. (2010). "Empowerment and Indigenous Australian health: a synthesis of findings from Family Wellbeing formative research." *Health and Social Care in the Community* **18**(2):169-179.

- <sup>50</sup> Blignault, I., Jackson Pulver, L. Fitzpatrick, S., Williams, M., Haswell, M., & Grand Ortega, M. (2015). A Resource for Collective Healing for Members of the Stolen Generations. Canberra, Aboriginal and Torres Strait Islander Healing Foundation.
- <sup>51</sup> Atkinson, J. (2002). Trauma Trails, Recreating Song Lines: The Transgenerational Effects of Trauma in Indigenous Australia. Melbourne, Spinifex Press.
- <sup>52</sup> Goldsworthy, M. (2014). "Voices of the Land" in The Monthly September 2014
- <sup>53</sup> Libesman, T. (2014). Decolonising Indigenous Child Welfare – Comparative Perspectives. Milton Park, Routledge.
- <sup>54</sup> Hinkson, J. (2007). "Introduction: In the name of the child." In J. Altman and M. Hinkson (eds) Coercive reconciliation: stabilize, normalize, exit Aboriginal Australia, North Carlton: Arena, pp. 1 -12.
- <sup>55</sup> McKendrick, J.H. (2012). "Book Review: A Different Inequality by Boos, D.A." AlterNative 8(3):357-359
- <sup>56</sup> Libesman (2014), *Op cit*, p 146.
- <sup>57</sup> Partridge, E. (2013). "Caught in the Same Frame? The Language of Evidence-based Policy in Debates about the Australian Government 'Intervention' into Northern Territory Aboriginal Communities" Social Policy and Administration 47(4):399-415
- <sup>58</sup> Personal communications – 9 March 2014 to NSDC project consultant J. Rule
- <sup>59</sup> BTH Report, Sections on 'International Human Rights' and 'Making Reparations' pp. 230-242 *Op.cit*.
- <sup>60</sup> Stolen Generations Working Partnership Forum, Woden, 2 April 2012, discussion following presentation of *The Stolen Generations: Data Perspectives from the National Aboriginal and Torres Strait Islander Social Survey, 2008*, prepared by Prem Thapa, Ben Cherian & Qasim Shah, Performance and Evaluation Branch, Indigenous Coordination Group.
- <sup>61</sup> BTH Report p. 493
- <sup>62</sup> BTH Report p. 493
- <sup>63</sup> BTH Report Recs. 2a, 2b, 2c, 2d. *Op.Cit*.
- <sup>64</sup> A *Stolen Generations (Compensation) Bill 2014* was passed by the Legislative Council of the Parliament of South Australia (SA) on 3 December 2014 (see <https://hansardpublic.parliament.sa.gov.au/Pages?HansardResult.aspx#/docid/HANSARD-10-14947> and is now awaiting debate in the SA House of Assembly (see <https://hansardpublic.parliament.sa.gov.au/Pages/HansardResult.aspx#/docid/HANSARD-11-18363>)
- <sup>65</sup> Calma, T. in *Australian Government responses to the Bringing them home Report*, p. 4 available at <http://www.humanrights.gov.au/publications/rightsed-bringing-them-home-9-responses-inquiry-australian-government>
- <sup>66</sup> See <http://www.nsd.org.au/advocacy/social-and-emotional-wellbeing-sewb>
- <sup>67</sup> Calma, T. in *Australian Government responses to the Bringing them home Report*, Footnote 2, p. 6 available at <http://www.humanrights.gov.au/publications/rightsed-bringing-them-home-9-responses-inquiry-australian-government>
- <sup>68</sup> Calma, T. in *Australian Government responses to the Bringing them home Report*, Footnote 2, p. 6 available at <http://www.humanrights.gov.au/publications/rightsed-bringing-them-home-9-responses-inquiry-australian-government>
- <sup>69</sup> Libesman, T. A Human Rights Framework for Contemporary Aboriginal and Torres Strait Islander Children's Wellbeing, p 72, available at <http://www.auslii.edu.au/au/journals/AUIndigLawRw/2008/10.html>
- <sup>70</sup> Libesman, T. A Human Rights Framework for Contemporary Aboriginal and Torres Strait Islander Children's Wellbeing, p 73, available at <http://www.auslii.edu.au/au/journals/AUIndigLawRw/2008/10.html>
- <sup>71</sup> Information about Grandmothers Against Removals is available at <http://stopstolengenerations.com.au/about-gmar>
- <sup>72</sup> Transcript of media interview is available at <http://www.abc.net.au/worldtoday/content/2014/s4103505.htm>
- <sup>73</sup> 'Give back our children', Aboriginal grandmother says. ABC Alice Springs, 12 February 2015. Available at <http://www.abc.net.au/local/stories/2015/02/11/4178001.htm>
- <sup>74</sup> Stolen Generations Working Partnership Forum, Woden, 2 April 2012, discussion following presentation of *The Stolen Generations: Data Perspectives from the National Aboriginal and Torres Strait Islander Social Survey, 2008*, prepared by Prem Thapa, Ben Cherian & Qasim Shah, Performance and Evaluation Branch, Indigenous Coordination Group.

<sup>75</sup> Urbis Keys Young (2007). 'Effects and consequences of removal in the Australian context' in *Evaluation of the Bringing them home and Indigenous mental health programs* [s 1.8 online]. Retrieved from <http://www.health.gov.au/internet/publications/publishing.nsf/Content/bringing-them-home~appendix-b~b-1-8>; Ministerial Council for Aboriginal and Torres Strait Islander Affairs (MCATSIA). (2006). *Agenda Item 6, 'Bringing Them Home Reporting Framework'*.

<sup>76</sup> For example Dockery, A. M. (2012). 'Do traditional culture and identity promote the wellbeing of Indigenous Australians? Evidence from the 2008 NATSISS', in B. Hunter & N. Biddle (eds.), *Survey Analysis for Indigenous Policy in Australia*, CAEPR Monograph No. 32, Canberra: CAEPR, p290. Retrieved from <http://epress.anu.edu.au/wp-content/uploads/2012/11/ch131.pdf>; and Biddle, N (2012). 'Improving Indigenous health: Are mainstream determinants sufficient?' in B. Hunter & N. Biddle (eds.) – see above footnote. Retrieved from <http://epress.anu.edu.au/wp-content/uploads/2012/11/ch051.pdf>.

<sup>77</sup> For example, Neuroscience Research Australia, which has recently (16 May 2013) announced findings on the high rate of dementia in Aboriginal Australians (three times that of non-Indigenous Australians), with factors including early childhood disadvantage, and early institutionalisation. See <http://www.neura.edu.au/news-events/news/dementia-aboriginal-australians-three-times-likely>. Also SBS Radio (personal communication).

<sup>78</sup> Available at the Healing Foundation home page at <http://healingfoundation.org.au/>.

<sup>79</sup> See <http://healingfoundation.org.au/funding/>.

<sup>80</sup> Available at <https://www.humanrights.gov.au/our-work/forums/moving-forward-achieving-reparations-stolen-generations>.

<sup>81</sup> NSW Health. *NSW Aboriginal Mental Health and Well Being Policy 2006 – 2010*, p 1.

<sup>82</sup> As above.

<sup>83</sup> Stubbs, G. (2008) 'Reconciliation in Parliament: Reparation for the Stolen Generations', Speech given to Public Forum at NSW Parliament, 3 June.

<sup>84</sup> The most recent information indicates that nationally, Indigenous children are 9.7 times as likely as non-Indigenous children to be on care and protection orders, and 10.3 times as likely as non-Indigenous children to be in out-of-home care (Australian Institute of Health and Welfare 2014. Indigenous child safety. Cat. No. IHW 127. Canberra: AIHW, p 10. Document available at <http://www.aihw.gov.au/publication-detail/?id=60129547839> Also, the rate of Indigenous children on care and protection orders increased from 11.3 to 49.3 per 1000 children from 2003-04 to 2012-13, while the rate for non-Indigenous children increased from 2.6 to 5.7 per 1000 children over the same period, leading to a widening of the gap, from 8.7 to 43.6 care and protection order per 1000 children. SCRGSP (Steering Committee for the Review of Government Service Provision) 2014, *Overcoming Indigenous Disadvantage: Key Indicators 2014*, Productivity Commission, Canberra, p. 4.77 Available at <http://www.pc.gov.au/research/recurring/overcoming-indigenous-disadvantage/key-indicators-2014>

<sup>85</sup> Rice, E A (unpublished manuscript)

## Appendix A – BTH Summative Checklist:

This checklist uses the 54 recommendations from the *Bringing the home* (BTH) Report, 1997, and provides information about progress to date in implementing the recommendations. This checklist is not exhaustive, it is summative and describes what is known to date given the information that the NSDC has been able to gather, generally about activity at the national level. By using the word summative it is implied that there is some evaluation of progress marked at a particular point in time. The evaluation of progress needs to continue.

The checklist below could be developed further and the purpose is to encourage discussion and further assessment of progress. A Likert-type scale of five possible category responses has been used. Whilst there is some subjectivity in applying a score, the point of scoring progress is to note that there is something which is observable in terms of progress, even if what is being observed is in fact no progress. The five categories are used to demonstrate that for some recommendations it is clear that there has been no progress – hence the ‘fail’ is used. When it can be said that a recommendation has been achieved or the intention of the recommendation is met the word ‘pass’ is used. The three categories in between are a qualitative statement about achievement for that particular recommendation. The five categories being used for this exercise are - fail, partial fail, working towards, qualified pass and pass.

The intention of using this approach is to make a clear signal about areas that require further work and investigation. Developing this checklist is a generative activity, meant to encourage discussion and response but particularly it is meant to bring attention to clear gaps in meeting the recommendations of BTH. There are still many evident and clear gaps, that is, where no progress has been made.

In 2007 it was noted that *less than two-thirds* of the BTH recommendations had been *partially implemented* (see Moran 2007 <http://www.austlii.edu.au/au/journals/AUIndigLawRw/2008/3.html>) Using the currently methodology and scored assessment provides evidence that, in fact, since 2007 there has been some progress but not enough. Recorded recently on, *Awaken: First Response*, Kirstie Parker, Co-Chair of the National Congress of Australia’s First Peoples noted that “Inconsistent” government policy responses have been one of the most significant problems in responding to the needs of the Stolen Generations and other Indigenous needs (<http://www.nitv.org.au/fx-program.cfm?pid=EB8289DC-F018-A3F2-9D840F2E9F8AD989>).

Certainly the checklist below, which notes the recent withdrawal of funding for many organisations which are key to providing a structural response to meeting the needs of Stolen Generations and their descendants, demonstrates a significant level of inconsistent policy response. It suggests, that since 2007 there have been backward steps in meeting the recommendations of BTH.

<p><u><b>Recommendation</b></u></p> <p>A summary of the recommendation and numbers are provided in this column</p>	<p><u><b>Progress</b></u></p> <p>Data and Information gathered by the NSDC during 2014 through consultation and research is included in this column. To gather detailed information in some areas would require an assessment of activities within Commonwealth, State and Territory government departments. In 2014 this information has not been systematically been made available</p>	<p><u><b>Score</b></u></p> <p>Likert-style rating scale is applied in this column</p>
<p><b>1. Recording Testimonies</b></p> <p>That the Council of Australian Governments ensure the adequate funding of appropriate Indigenous agencies to record, preserve and administer access to the testimonies of Indigenous people affected by the forcible removal policies who wish to provide their histories in audio, audio-visual or written form.</p>	<p>In 1997, federal government funds were committed for a national Bringing Them Home oral history project. Hosted by the National Library of Australia, close to 200 recordings were completed over the next 5 years until 2002. A further tranche of funds was provided by the Department of Families, Housing, Community Services and Indigenous Affairs (FaHCSIA) after the Apology, to finalise the project in 2010. NB: Not all recordings are in the public domain <a href="http://www.nla.gov.au/digicoll/bringing-them-home-online.html">http://www.nla.gov.au/digicoll/bringing-them-home-online.html</a></p> <p>In 2012, the Stolen Generations' Testimonies Foundation launched <a href="http://www.stolengenerationstestimonies.com/">http://www.stolengenerationstestimonies.com/</a> a series of audio visual recording of Stolen Generations telling their stories.</p> <p>An initiative of a philanthropic partnership initiated by Rio Tinto Aboriginal Foundation, it demonstrates the continuing desire of Stolen Generations to have their stories recorded and heard. Whether this project's success is due to adequate funding from Australian Governments is questionable as the Foundation relies on generating its own sources of income. As well as receiving support from FaHCSIA, it is supported by private sources: Accor Hotel Chain, the Hunt Foundation and Rio Tinto Aboriginal Foundation.</p> <p>Sustainability of the Testimonies project needs to be ensured.</p>	<p><b>QUALIFIED</b></p> <p><b>PASS</b></p>
<p><b>2. Procedure for Implementation</b></p> <p>2a. That the Council of Australian Governments establish a working party to develop a process for the implementation of the Inquiry's recommendations and to receive and respond to annual audit reports on the progress of implementation.</p>	<p>Never actioned. Although potentially the SGWP could have evolved towards requesting and receiving such audit reports; this was not in its original terms of reference.</p>	<p><b>FAIL</b></p>

<p><b>2b.</b> That the Commonwealth fund the establishment of a National Inquiry audit unit in the Human Rights and Equal Opportunity Commission to monitor the Implementation of the Inquiry's recommendations and report annually to the Council of Australian Governments on the progress of implementation of the recommendations.</p>	<p>Never actioned. Indeed funding support to HREOC is now so limited that the Commission is not likely to ever reprint the original BTH Inquiry Report.</p>	<p><b>FAIL</b></p>
<p><b>2c.</b> That ATSIC fund the following peak Indigenous organisations to research, prepare and provide an annual submission to the National Inquiry audit unit evaluating the progress of implementation of the Inquiry's recommendations: Secretariat of National and Islander Child Care (SNAICC), Stolen Generations National Secretariat, National Aboriginal Community Controlled Health Organisation (NACCHO) and National Aboriginal and Islander Legal Services Secretariat (NAILSS).</p>	<p>The Electoral representative body ATSIC was dissolved in June 2005. In 2014 Budget the Abbott government, reneged on a previous budget commitment of \$15 million for the National Congress of Australia's First Peoples. The Abbott government during 2014 announced plans to cut over \$40m from legal assistance services including Aboriginal and Torres Strait Islander Legal Services (ATSILS), Family Violence Prevention Legal Services, Community Legal Centres (CLCs), the National Aboriginal and Torres Strait Islander Legal Services and Legal Aid Commissions. This is a decision contrary to the Productivity Commission's Access to Justice Arrangements Report of 2014, which argues against the funding cuts announced by the Commonwealth Government. Rather the Productivity Commission calls for an annual injection of \$200m to the legal assistance sector. It is further anticipated that across Australia all Aboriginal legal services will have all policy officer positions cut and that future funding agreements will prohibit advocating publicly about issues affecting their people</p>	<p><b>FAIL</b></p>



<p><b>2d.</b> That Commonwealth, State and Territory Governments undertake to provide fully detailed and complete information to the National Inquiry audit unit annually on request concerning progress on implementation of the Inquiry's recommendations.</p>	<p>COAG has never completed an audit of the BTH Inquiry's recommendations.</p> <p>Even though the peak bodies NSGA and NSDC were not mentioned in BTH, these two organisations have had a 'watchdog' role in relation to progress of BTH. The SGWP was a recent attempt to systematically gather information from the Commonwealth government; no such arrangements were ever put into place at a state level. Currently Commonwealth support for continuation of partnership activities is not clear. Another problem is that no benchmarks have been agreed - an issue identified in the 2012 NSDC scorecard.</p> <p>Up until recently, COAG has independently reported on long-term targets for closing the gap between Indigenous and non-Indigenous Australians on health, early childhood development, education, housing, and economic outcomes and more recently school attendance. Stolen Generations do not feature in this reporting. Each year, the Prime Minister makes a Closing the Gap statement at the start of the parliamentary year. Again, Stolen Generations are absent.</p> <p>In July 2013, the National Aboriginal and Torres Strait Islander Health Plan was launched and a key feature of that plan was to attempt to address the differential health outcomes for and within Indigenous communities. It remains to be seen whether Stolen Generations will be included in associated implementation and action plans.</p>	<p><b>FAIL</b></p>
<p><b>3. Components of reparations</b></p> <p>That, for the purposes of responding to the effects of forcible removals, 'compensation' be widely defined to mean 'reparation'; that reparation be made in recognition of the history of gross violations of human rights; and that the van Boven principles guide the reparation measures. Reparation should consist of (1) acknowledgement and apology, (2) guarantees against repetition, (3) measures of restitution, (4)</p>	<p>Formal and government level acknowledgement and apology, as well as spoken guarantees against repetition have been made.</p> <p>To some extent there have been measures of restitution and rehabilitation through a range of service and program delivery but there has been no attempt, at a national level, to deal with the question of monetary compensation, as recommended in the stages outlined in the van Boven Principles.</p> <p>Tasmania is the only state so far to have offered compensation. South Australia is currently considering legislation.</p> <p>Equivalence and equity of responses across all jurisdictions is required.</p> <p>Despite guarantees against repetition, Indigenous children continue to be removed from their families at unacceptable rates.</p>	<p><b>PARTIAL FAIL</b></p>

measures of rehabilitation, and (5) monetary compensation.		
<b>4. Claimants</b> That reparation be made to all who suffered because of forcible removal policies.	Reparations for individuals, family members, communities and descendants of those forcibly removed, consistent with the internationally endorsed van Boven Principles, have never been made, other than in Tasmania.	<b>FAIL</b>
<b>5a. and 5b. Acknowledgement and apology – Parliaments and police forces.</b>	Between 1997 and 2001, each Australian State and Territory government apologised in Parliament to the Stolen Generations. On 13 February 2008, the Commonwealth parliament moved a <i>Motion of Apology to Australia's Indigenous Peoples</i> .  Data on police forces' acknowledgements and apologies needs to be gathered for complete assessment. However, for example In May 1998, on behalf of the police service and the CEOs of Justice Agencies, the NSW Police Commissioner apologised to the stolen generations for the role of police officers in their removal. Data from other jurisdictions needs to be gathered.	<b>PASS</b>
<b>6. Acknowledgement and apology – Churches and others</b>	The Australian Human Rights Commission, <i>Social Justice Report 1998</i> , listed a number of faith groups that have made appropriate acknowledgement and apologies. <a href="https://www.humanrights.gov.au/publications/social-justice-report-1998-chapter-3-church-responses">https://www.humanrights.gov.au/publications/social-justice-report-1998-chapter-3-church-responses</a>  A complete audit of other institutions that should make acknowledgements and apologies has never been systematically carried out.	<b>QUALIFIED PASS</b>
<b>7a. and 7b. Commemoration</b>	National Sorry Day is an annual day of commemoration and remembrance of all those who have been impacted by the government policies of forcible removal that have resulted in the Stolen Generations. Groups across the nation host events. Up until a few years ago, NSDC was funded by the Commonwealth to host a national event in Canberra, at which point government priorities changed. National Sorry Day has also received formal recognition as a national day from the Australian parliament, signified by the raising of the Aboriginal and Torres Strait Islander flags.  Since the 2008 Apology, there have also been annual, commemorative, events held on 13 February, including the Indigenous All Stars NRL round on the Gold Coast. The Healing Foundation has provided communities with micro-grants to support local events.	<b>PASS</b>

<p><b>8a. and 8b.</b> <i>School education</i></p>	<p>In 2011 NSDC advocated successfully for the inclusion of Stolen Generations to be meaningfully included in the National Curriculum for primary and secondary public schools. This curriculum has since been reviewed and the impacts of this on Stolen Generations unknown.</p>	<p><b>WORKING TOWARDS</b></p>
<p><b>9a. and 9b.</b> <i>Professional training</i></p>	<p>Curtin University has been contracted to undertake the development of the Aboriginal and Torres Strait Islander health curriculum framework. Health Workforce Australia and Curtin University were to work closely with the tertiary sector, students, Aboriginal and Torres Strait Islander communities, health services including the Aboriginal Community Controlled health organisations, and accreditation authorities to devise the Aboriginal and Torres Strait Islander health curriculum framework. This was to include an environmental scan and literature review, case studies, conducting multidisciplinary consultation workshops, developing implementation guidelines, an assessment tool, and accreditation standards. Workshop submissions were made for the inclusion of Stolen Generations by NSDC members.</p> <p>In the 2014 Budget the Australian Government announced the closure of Health Workforce Australia (HWA), with essential functions transferring to the Department of Health. HWA closed on 6 August 2014. Funding agreements and other business functions are being managed by the Department of Health. There is no information currently available from the Department as to the status of contracts transferred from Health Workforce Australia.</p>	<p><b>WORKING TOWARDS</b></p>
<p><b>10. Genocide convention</b></p>	<p>Whilst Australia has ratified the <i>Genocide Convention</i> an assessment of whether it has been implemented in Australia with full domestic effect has never been undertaken.</p>	<p><b>FAIL</b></p>
<p><b>11. Assistance to return to country</b></p>	<p>COAG has never systematically dealt with this as recommended.</p>	<p><b>FAIL</b></p>
<p><b>12a. and 12b.</b> <i>Language, culture and history centres</i></p>	<p>Some progress is noted through the work of AIATSIS and the development of the Mura online catalogue and the audio-visual archive. Archiving of material in the 'We say Sorry' exhibition is important. Special progress is noted as the Australian Indigenous Languages Collection is now inscribed on the UNESCO's Memory of the World register, meaning the outstanding universal value to the world has been recognised.</p> <p>Funding of regional, cultural and history centres has not been forthcoming.</p>	<p><b>WORKING TOWARDS</b></p>

<b>13. Indigenous identification</b>	Whilst some mechanisms for this process such as Link-Ups are operational, limited resourcing and funding support to important research officer positions within these organisations makes progress slow. For some ageing members of the Stolen Generation the process has simply been too slow. Link-Ups are unable to provide Proof of Aboriginality. Through the SGWP, Stolen Generations without links to Land Councils have advocated for a central agency to assist them with proof of identity such as through AIATSIS.	<b>PARTIAL FAIL</b>
<b>14. Heads of damage</b>	A national scheme for monetary compensation has not been provided.	<b>FAIL</b>
<b>15. National Compensation Fund</b>	No action. This issue is further exacerbated by the fact that the post Mabo Social Justice Package never eventuated, which was to be directed towards those Aboriginal people who would not directly benefit from native title.	<b>FAIL</b>
<b>16a. and 16b. National Compensation Fund Board</b>		<b>FAIL</b>
<b>17. Procedural principles</b>		<b>FAIL</b>
<b>18. Minimum lump sum</b>		<b>FAIL</b>
<b>19. Proof of particular harm</b>		<b>FAIL</b>
<b>20. Civil claims</b>	<p>In August 2007, Justice Thomas Gray of the South Australian Supreme Court awarded Bruce Trevorrow the sum of \$525,000 as compensation for injuries and losses suffered after being separated from his parents when a baby, and as damages for his unlawful removal and false imprisonment. In February 2008, Justice Gray awarded Trevorrow another \$250,000 as a lump sum in lieu of interest payments owed on the original award.</p> <p>As many have noted this system forces claimants to endure a lengthy court process, possibly incurring costs that most members of the Stolen Generations could not hope to meet. The alternative and preferable approach of setting up a non-judicial tribunal to make compensation payments to all indigenous people forcibly removed has never been pursued.</p>	<b>PARTIAL FAIL</b>
<b>21. Destruction of records prohibited</b>		<b>PASS</b>
<b>22a. and 22b. Record preservation</b>		<b>QUALIFIED PASS</b>
<b>23. Joint records taskforces</b>		<b>FAIL</b>

<b>24. Inter-State enquiries</b>		<b>WORKING TOWARDS</b>
<b>25. Minimum access standards</b>		<b>QUALIFIED PASS</b>
<b>26. FoI in the NT</b>	The <i>Office of the Information Commissioner</i> for the Northern Territory is the independent statutory body responsible for overseeing the privacy provisions of the <i>Information Act</i> (NT) passed in 2002.	<b>PASS</b>
<b>27. Indigenous Family Information Service</b>		<b>FAIL</b>
<b>28. Training</b>	There is no traineeship or scholarship program that supports in particular Indigenous archivists, genealogists and historical researchers.	<b>FAIL</b>
<b>29a. and 29b. Indigenous repositories</b>	AIATSIS collection is endangered through continued underfunding and lack of permanent positions amongst staff.	<b>QUALIFIED PASS</b>
<b>30. Establishment of family tracing and reunion services</b>	Services are not funded in all regional centres, relevant health services or smaller centres as recommended.	<b>FAIL</b>
<b>31. Return of those removed overseas</b>	Russell Moore remains locked away in a Florida Prison, having spent over three quarters of his life overseas, in institutions. His family and supporters continue to lobby for his return.	<b>DATA TO BE GATHERED</b>
<b>32. Research</b>	The National Aboriginal Community Controlled Health Organisation (NACCHO) has been involved in a series of consultations identifying the range and extent of emotional and well-being effects of the forcible removal policies.  The AIATSIS data project to refine information on Stolen Generations available through NATSISS and other sources has stalled in the Department.	<b>WORKING TOWARDS</b>
<b>33. Indigenous well-being model</b>	Significant progress in terms of consultation and report preparation has been made but the status of the current report with respected a renewed social and emotional wellbeing framework appears stalled. No draft has been put to the community for their input.	<b>WORKING TOWARD</b>
<b>34. Health professional training</b>	Whilst there are some best practice attempts currently being made there is still no systematic under-graduate training for all students in the history and effects of forcible removal. The development of this should be part of a national accreditation system.	<b>PARTIAL FAIL</b>
<b>35. Mental health worker training</b>		<b>QUALIFIED PASS</b>

<b>36. Parenting skills</b>	\$3.6m has recently been withdrawn from the Indigenous Family Violence Prevention Legal Services (IFVPLS) which is attempting to deal with cycles of family violence found in Aboriginal communities, some of which are the consequences of inter-generational and other problems resulting from policies of forced removal of Aboriginal people. In 2014 the Abbott government withdrew the federal government's funding from 38 Aboriginal Child and Family Centres.	<b>FAIL</b>
<b>37. Prisoner services</b>	COAG has not ensured the provision of adequate funding for a range of preventative mental health programs in all prisons and detention centres.	<b>FAIL</b>
<b>38. Private collections – transfer of historical and cultural information back to communities.</b>	Mechanisms such as regional local Indigenous language, culture and history centres have not been established. These centres are necessary to ensure that relevant church and non-government agencies transfer the relevant historical and cultural information to communities. Where there have been some local initiatives they have continued to struggle for support.	<b>FAIL</b>
<b>39. Application of minimum standards and common guidelines</b>	No Records Taskforce has ever been established as per Recommendation 23. Minimum standards and guidelines for access are therefore redundant.	<b>FAIL</b>
<b>40. Counselling services</b>	Valuable work in strengthening practice has occurred through various work support and training programs, initiated for example by the Workforce Support Unit of the Aboriginal Health and Medical Research Council of NSW. Such initiatives though, have been undermined through the withdrawal of essential funding support in a range of program areas.	<b>QUALIFIED PASS</b>
<b>41. Land holdings</b>	Progress is noted e.g. Sister Kate's, Cootamundra Girls and Kinchela Boys. However a systematic review of churches' and other non-government agencies' land holdings acquired or granted for the purpose of accommodating Indigenous children forcibly removed from their families has never occurred.	<b>FAIL</b>
<b>42. Social justice</b> Addressing the social and economic disadvantages that underlie the contemporary removal of Indigenous children and young people.	On all indicators Indigenous children and young people still face significant disadvantage compared to non-Indigenous counterparts. There is substantial evidence from communities that the removal of Indigenous children and young people from their families occurs at a higher rate than for the general population.	<b>FAIL</b>

<p><b>43a. 43b. and 43c.</b> <b><i>Self-determination</i></b></p>	<p>COAG’s 1992 framework agreement notes that that “empowerment, self-determination and self-management by Aboriginal and Torres Strait Islanders” is a guiding principle. See Council of Australian Governments (1992) National Commitment to improved outcomes in the delivery of programs and services for Aboriginal peoples and Torres Strait Islanders, COAG, Perth, s 4.1 These issues – empowerment, self-determination and self-management are of primary importance “in attempting to improve the effectiveness of service delivery to Indigenous people”, a point noted by Dr William Jonas, Aboriginal and Torres Strait Islander Social Justice Commissioner, on behalf of the Human Rights and Equal Opportunity Commission (2000) in submission to the Senate Legal and Constitutional References Committee’s inquiry into the stolen generation. Available at <a href="https://www.humanrights.gov.au/sites/default/files/content/pdf/social_justice/stolen_senate_submission.pdf">https://www.humanrights.gov.au/sites/default/files/content/pdf/social_justice/stolen_senate_submission.pdf</a>. Self-determination as outlined in 43 a, b and c of BTH has not occurred.</p>	<p><b>FAIL</b></p>
<p><b>44. National standards for Indigenous Children</b></p>	<p>COAG released, Protecting Children is Everyone’s Business National Framework for Protecting Australia’s Children 2009-2020. Outcome 5 speaks directly to supporting outcomes for Indigenous Children.</p>	<p><b>QUALIFIED</b> <b>PASS</b></p>
<p><b>45a. and 45b.</b> <b><i>National standards for Indigenous children under State, Territory or shared jurisdictions</i></b></p>	<p>Whilst the work of SNAICC continues with maximum effort, circumstances throughout Australia in terms of supporting structures to ensure adherence to standards are under real challenge.</p> <p>As an example, the Aboriginal Early Childhood Support and Learning Incorporation (AECSL), a unique organisation, leading the way as a peak advisory body on early childhood for Aboriginal children, families and the Aboriginal community in NSW was defunded. There was a Commonwealth government decision made in 2013 to cut the funding. AECSL was notified that funding would not be provided after 31 December 2013 with only 13 days’ notice provided by the funding agency. AECSL was the only Aboriginal managed organisation providing support and advocacy for Aboriginal early childhood in NSW. Similar agencies in other states have also been cut. The policy work, advocacy, training and professional development of organisations like AECSL has been crucial as an interface with government, providing support for Aboriginal preschools in meeting stringent but important accreditation practices and the development of staff with highly specialised knowledge and understanding of Aboriginal early childhood.</p> <p>As of July 2014 AECSL had significantly downsized its operations as a result of the cessation of Commonwealth funding and because it has been unsuccessful in finding an alternative sustainable funding source.</p> <p>Without organisations like AECSL operating at a state and territory level standards cannot continue to be developed, refined, applied and monitored.</p>	<p><b>FAIL</b></p>

<p><b>46a. and 46b.</b> <b>Standard 1: Best interests of the child - factors</b></p>	<p>While a standard has been established that the best interest of the child is to remain within his or her Indigenous family, community and culture, in many jurisdictions, in practice children are still being removed from their Indigenous families and community.</p> <p>The Northern Territory Children's Commissioner's annual report showed that in the year to June 30, 2013, five times more Aboriginal children than non-Aboriginal children were being put in care, with 126 non-Aboriginal and 624 Aboriginal children taken from their parents. Information available:</p> <p><a href="http://www.childrenscommissioner.nt.gov.au/publications.html">http://www.childrenscommissioner.nt.gov.au/publications.html</a></p> <p>The NSW 2014 Report on Government services showed that NSW had the highest percentage of indigenous children in out of home care placements with relatives or kin (63.6 per cent of indigenous children as compared to the national average of 51.5 per cent). Details available at</p> <p><a href="http://www.pc.gov.au/research/recurring/report-on-government-services">http://www.pc.gov.au/research/recurring/report-on-government-services</a></p>	<p><b>FAIL</b></p>
<p><b>47. Standard 2: When best interests are paramount</b></p>	<p>Linked to above.</p>	<p><b>FAIL</b></p>
<p><b>48. Standard 3: When other factors apply</b></p>	<p>Linked to above.</p>	<p><b>FAIL</b></p>
<p><b>49. Standard 4: Involvement of accredited Indigenous organisations</b></p>	<p>Linked to above.</p>	<p><b>FAIL</b></p>
<p><b>50. Standard 5: Judicial decision making</b></p>	<p>Linked to above.</p>	<p><b>FAIL</b></p>
<p><b>51. Standard 6a-e: Indigenous Child Placement Principle</b></p>	<p>All Australian jurisdictions now recognise, either in legislation or policy, that, when Aboriginal or Torres Strait Islander children are to be placed in substitute care, they should be placed within their own culture and community where possible. Each jurisdiction also recognises that Indigenous people should be consulted about placements.</p> <p>However research conducted by the Jumbunna Indigenous House of Learning Research, University of Technology, Sydney, through the Indigenous Legal Needs Project identified that 22% of women in focus groups in Victoria identified child removal as a legal problem arising for them in the past two years. Most women have not been able to access legal support. When 'out of home care' orders have been made, most women have been reliant on duty solicitors who have little or no time to consider their case.</p>	<p><b>FAIL</b></p>



<b>52. Standard 7: Adoption a last resort</b>	<p>Once orders are made, it is very difficult to have children returned, and families are not eligible for legal aid to appeal decisions made by the department. In Queensland service providers have said that often no representation is provided for early hearing. In NT legal services often discover parents who have already signed consent orders for removal without representation, or any understanding that they could refuse to sign and could challenge the orders. A lack of legal support to deal with other problems faced by Aboriginal families can also feed into the process of child removal, e.g., the ‘three strikes’ rule for Western Australian housing tenants alleged to have breached ‘behaviour’ guidelines was introduced in May 2011. By November 2013, 519 Aboriginal families had been evicted, affecting approximately 2,000 Aboriginal children.</p>	<b>FAIL</b>
<b>53a and 53b. Standard 8: Juvenile justice</b>	<p>Australia wide, Aboriginal children are 31 times more likely to be incarcerated. A fact that has caused many to call for urgent intervention from the United Nations.</p>	<b>FAIL</b>
<b>54. Family law</b>	<p>The family law reforms of 2006 ensured an Aboriginal child’s or a Torres Strait Islander child’s right to enjoy his or her Aboriginal or Torres Strait Islander culture includes the right:</p> <p>(a) to maintain a connection with that culture; and (b) to have the support, opportunity and encouragement necessary: (i) to explore the full extent of that culture, consistent with the child’s age and developmental level and the child’s views; and (ii) to develop a positive appreciation of that culture.</p> <p>An evaluation of the family law reforms of 2006 notes that there are still substantial tensions in cases of Aboriginal culture. See p 349, <a href="http://www.aifs.gov.au/institute/pubs/fle/chapter15.pdf">http://www.aifs.gov.au/institute/pubs/fle/chapter15.pdf</a></p>	<b>QUALIFIED PASS</b>

## RESPONSE FROM NATIONAL SORRY DAY COMMITTEE INC

TO

### *DISCUSSION PAPER: DEVELOPMENT OF A RENEWED ABORIGINAL & TORRES STRAIT ISLANDER SOCIAL AND EMOTIONAL WELLBEING FRAMEWORK*

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**RESPONSE FROM NATIONAL SORRY DAY COMMITTEE INC TO THE *DISCUSSION PAPER: DEVELOPMENT OF A RENEWED ABORIGINAL & TORRES STRAIT ISLANDER SOCIAL AND EMOTIONAL WELLBEING FRAMEWORK***

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**1. Introduction**

The National Sorry Day Committee (NSDC) works for recognition, justice and healing for the Stolen Generations, their families and communities.

In framing its response to the renewal of the Aboriginal and Torres Strait Islander Social and Emotional Wellbeing Framework, NSDC focuses on the experiences, perspectives and needs of the Stolen Generations and highlights matters that need attention if their social and emotional wellbeing is to be maintained, restored or enhanced.

In addressing these matters, NSDC takes account of the holistic Aboriginal view of health which involves:

Not just the physical well-being of the individual but the social, emotional, and cultural well-being of the whole community. This is a whole-of-life view and it also includes the cyclical concept of life-death-life.<sup>1</sup>

NSDC also recognises the “broader understanding of health” which stresses the need for harmony among the inter-related elements of health:

[The] Aboriginal concept of health is holistic, encompassing mental health and physical, cultural and spiritual health. Land is central to well-being. This holistic concept does not merely refer to the “whole body” but in fact is steeped in the harmonised interrelations which constitute cultural well-being. These inter-relating factors can be categorised largely as spiritual, environmental, ideological, political, social, economic, mental and physical. Crucially, it must be understood that when the harmony of these interrelations is disrupted, Aboriginal ill health will persist.<sup>2</sup>

It also supports the statements that:

Social and emotional wellbeing is not merely the absence of a mental illness or feeling emotionally unwell.<sup>3</sup>

and

Social and emotional wellbeing problems are distinct from mental illness, although the two interact and influence each other. Even with good social and emotional wellbeing people can still experience mental illness, and people with a long-term mental health condition can live and function at a high level with adequate support.<sup>4</sup>

NSDC also recognises the relevance of the Seven Domains of Social and Emotional Wellbeing<sup>5</sup>, although no diagram (or form of words) can adequately represent the way the domains are integrated in reality.

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<sup>1</sup> NAHSWP, 1989, as quoted in *National Strategic Framework for Aboriginal and Torres Strait Islander Peoples' Mental Health and Social and Emotional Well Being (2004–2009)*, p 7.

<sup>2</sup> Swan and Raphael, 1995, as quoted in above *National Strategic Framework*, p 7.

<sup>3</sup> Social Health Reference Group, 2004:3, as quoted in *Discussion Paper: Development of a Renewed Aboriginal & Torres Strait Islander Social and Emotional Wellbeing Framework*, p 8.

<sup>4</sup> Above *Discussion Paper*, p 8

<sup>5</sup> Copyright: Gee, Dudgeon, Hart, Schultz and Kelly, (2013 in press) on behalf of the Australian Indigenous Psychologists Association (AIPA), as represented in above *Discussion Paper*, in Figure 1, p 12.

However, NSDC believes that even where services are framed within the above concepts, they will not be effective for Stolen Generations survivors, their families and communities unless all those involved in researching, developing, implementing and reviewing policy are also aware of the issues affecting the day to day lives of these groups. Stolen Generations survivors, their families and communities have particular needs; however (and this applies to many policy, program and service delivery documents) **even where the Stolen Generations are named, their needs are generally not distinguished in policy, programs, service provision or evaluation.** This omission is even more pronounced in relation to the needs of the families and communities.

To help address this, NSDC:

- articulates a set of propositions that embody prerequisites for meeting the needs of the Stolen Generations (see 2.1 Overview below)
- highlights the need for the renewed framework to take into account the establishment and work of the *Stolen Generations Working Partnership*.<sup>6</sup>

NSDC then draws attention to the following issues as they relate to the Stolen Generations, their families and communities:

- evidence of need
- service system issues
- general community issues
- effectiveness and accountability issues.

Finally, NSDC suggests an ongoing project to identify gaps in information about the specific needs of the Stolen Generations, their families and communities<sup>7</sup>, together with the development and funding of training packages to assist the transmission of knowledge, understanding and skill in this area to service providers and managers.

## 2. Stolen Generations Issues

### 2.1 Overview

Prior to addressing specific issues affecting the Stolen Generations, this submission outlines some prerequisites for maintaining, restoring or enhancing the social and emotional wellbeing (SEWB) of the Stolen Generations:

- Whenever Indigenous issues are being considered, the needs of the Stolen Generations, as a significant group within the Aboriginal and Torres Strait Islander population, must be considered. This applies to all levels of government and all stages of the policy cycle, from research, consultation, policy making, funding, program development and service delivery through to monitoring, evaluation and review of results.
- All those involved in the policy cycle need to understand
  - the holistic view of health quoted above
  - the way the domains of social and emotional wellbeing (SEWB) are integrated into the lives of the Stolen Generations.
  - how inadequate understanding of these issues can create structural faults in the policy cycle which flow through to inadequate service delivery for the Stolen Generations, their families and communities
  - the scope of trauma, grief and loss, and their impacts on all domains, and thus on all aspects of the Stolen Generations' health

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<sup>6</sup> Available at <http://www.fahcsia.gov.au/our-responsibilities/indigenous-australians/programs-services/recognition-respect/stolen-generations-working-partnership>

<sup>7</sup> NSDC understands that AIATSIS has commenced a project to collect some data, but is unsure of the details.

- impacts of the above on the families and communities of the Stolen Generations, including intergenerational impacts.
- General cultural training is not sufficient to equip service providers with specialist Stolen Generations knowledge.  
(This was acknowledged in then Prime Minister Rudd's 26 May 2008 commitment that all health professionals would be trained to work with the Stolen Generations.)
- The best sources of knowledge and understanding of the backgrounds and needs of the Stolen Generations are the Stolen Generations themselves.
- Supporting the public voice of the Stolen Generations is therefore vital, and this requires more than formal or token consultation with them. Further details on this issue are provided in Section 2.3.4 below.

This list of prerequisites is provisional and does not claim to cover all relevant areas. It can be added to as projects such as the one suggested in Section 3 below are completed.

## 2.2 Evidence of need

In general the Stolen Generations are more disadvantaged than Aboriginal and Torres Strait Islander people who were not forcibly separated from their families and communities. This has been described, in the context of the gap in health outcomes between the Aboriginal and Torres Strait Islander population and other Australians, as “a gap within the gap”<sup>8</sup>.

The evidence includes:

- *Bringing them home*, the 1997 report of the National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from Their Families<sup>9</sup>, which dealt with the consequences of the forcible removal of Aboriginal children, on the grounds of race, from their families and communities over the period 1910 and 1970.
- The 2006 report to the then Ministerial Council for Aboriginal and Torres Strait Islander Affairs (MCATSIA) which establishes the higher levels of disadvantage of members of the Stolen Generations, compared with other Aboriginal and Torres Strait Islander people, using “large datasets collected for the National Aboriginal and Torres Strait Islander Social Survey and the National Aboriginal and Torres Strait Islander Health Survey to compare outcomes for Aboriginal people removed from their families, versus those who had not been removed”<sup>10</sup>.
- The Western Australian Aboriginal Child Health Survey (WAACHS) at <http://aboriginal.childhealthresearch.org.au/kulunga-research-network/waachs.aspx>
- The 2008 National Aboriginal and Torres Strait Islander Social Survey (NATSISS)<sup>11</sup>

<sup>8</sup> Stolen Generations Working Partnership Forum, Woden, 2 April 2012, discussion following presentation of *The Stolen Generations: Data Perspectives from the National Aboriginal and Torres Strait Islander Social Survey, 2008*, prepared by Prem Thapa, Ben Cherian & Qasim Shah, Performance and Evaluation Branch, Indigenous Coordination Group.

<sup>9</sup> Human Rights and Equal Opportunity Commission. (1997). Report of the National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from Their Families, *Bringing them home*, Commonwealth of Australia.

<sup>10</sup> Urbis Keys Young (2007). 'Effects and consequences of removal in the Australian context' in *Evaluation of the Bringing them home and Indigenous mental health programs* [s 1.8 online]. Retrieved from [http://www.health.gov.au/internet/publications/publishing.nsf/Content/bringing-them-home~appendix-b~b-1-8; Ministerial Council for Aboriginal and Torres Strait Islander Affairs \(MCATSIA\). \(2006\). Agenda Item 6. 'Bringing Them Home Reporting Framework'](http://www.health.gov.au/internet/publications/publishing.nsf/Content/bringing-them-home~appendix-b~b-1-8; Ministerial Council for Aboriginal and Torres Strait Islander Affairs (MCATSIA). (2006). Agenda Item 6. 'Bringing Them Home Reporting Framework').

<sup>11</sup> For example Dockery, A. M. (2012). 'Do traditional culture and identity promote the wellbeing of Indigenous Australians? Evidence from the 2008 NATSISS', in B. Hunter & N. Biddle (eds.), *Survey Analysis for Indigenous Policy in Australia*, CAEPR Monograph No. 32, Canberra: CAEPR, p290. Retrieved from <http://epress.anu.edu.au/wp-content/uploads/2012/11/ch131.pdf>; and Biddle, N (2012). 'Improving

- New and emerging research, including findings from independent research institutes<sup>12</sup>.

Some of this evidence is summarised in the 2007 *Evaluation of the Bringing them home and Indigenous mental health programs* (Urbis Keys Young) as follows:

While the 'Stolen Generations' are defined in this report [BTH] as Aboriginal and Torres Strait Islander people affected by past government removal policies and practices, some underlying causes of the over-representation of Indigenous children in the child welfare system include the legacy of past policies of the forced removal of Aboriginal children from their families, intergenerational effects of previous separations from family and culture, poor socio-economic status and cultural differences in child-rearing practices (AIHW 2006, pp22-23).<sup>13</sup>

As indicated in Section 2.3.2.1 below, the over-representation of Indigenous children in the child protection and out-of-home care system does not stand alone. It is accompanied by the over-representation of Indigenous children and young people in the juvenile justice system and by the over-representation of Indigenous adults – male **and** female - in the criminal justice system.

The Urbis Keys Young evaluation report goes on to state:

The BTH Report highlighted a number of intergenerational effects of removal, and found that 'the overwhelming evidence is that the impact does not stop with the children removed. It is inherited by their own children in complex and sometimes heightened ways' (HREOC 1997, p189). This was reiterated by the findings of the recent West Australian Aboriginal Child Health Survey (WAACHS), which reported that 'significant associations exist between the SEWB of Aboriginal carers and their children (aged 4-17 years) and the past policies and practices of forced separation of Aboriginal people from their natural families' (WAACHS 2005, p465).<sup>14</sup>

Another summary of the evidence of need is contained in Appendix A, which was compiled by the national arm of Australians for Native Title and Reconciliation (ANTaR).

It is against this background of need that NSDC has attempted to outline some of the experiences and needs of the Stolen Generations as they relate to SEWB.

### **2.3 Service system issues**

This section does not provide a definitive account or critique of all service system issues affecting the Stolen Generations or of all the knowledge, understanding and skills that are required if their needs as a distinct group within the Indigenous population are to be met appropriately.

As is the case with the prerequisites outlined in Section 2.1 above, the service system issues could be elaborated further as part of the project referred to in Section 3 below.

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Indigenous health: Are mainstream determinants sufficient?' in B. Hunter & N. Biddle (eds.) – see above footnote. Retrieved from <http://epress.anu.edu.au/wp-content/uploads/2012/11/ch051.pdf>.

<sup>12</sup> For example, Neuroscience Research Australia, which has recently (16 May 2013) announced findings on the high rate of dementia in Aboriginal Australians (three times that of non-Indigenous Australians), with factors including early childhood disadvantage, and early institutionalisation. See <http://www.neura.edu.au/news-events/news/dementia-aboriginal-australians-three-times-likely>. Also SBS Radio (personal communication).

<sup>13</sup> Urbis Keys Young (2007). 'Effects and consequences of removal in the Australian context' in *Evaluation of the Bringing them home and Indigenous mental health programs* [s 1.8 online]. Retrieved from <http://www.health.gov.au/internet/publications/publishing.nsf/Content/bringing-them-home~appendix-b~b-1-8>.

<sup>14</sup> As above.

In the meantime, the service issues that this submission does deal with include:

- basic services
- knowledge, understanding, and skills
- capacity
- consultation
- effectiveness and accountability.

Before moving into detailed comments on these issues, NSDC would like to stress that Stolen Generations impacts were and are experienced by the Stolen Generations themselves **and** their families **and** their communities. The impacts for all three groups persist into the present and if the service system does not address the needs of all of them, the impacts will continue into the future.

### **2.3.1 Service System Issues 1: Basic services**

For the Stolen Generations, as for all people, the availability of basic services (housing, health, education, transport, access to employment) is a vital component of social and emotional wellbeing.

Policy makers, program designers and service delivery organisations all need to understand the role played by basic services in social and emotional wellbeing, and ensure that their approaches take into account how access to basic services affects the current situation of Stolen Generations clients as well as how it needs to be incorporated into the policy, program and service delivery response to their needs, **and** in the monitoring, evaluation and review of service results.

### **2.3.2 Service System Issues 2: Knowledge, Understanding, and Skills**

All those involved in the policy cycle need to know and understand key issues for the Stolen Generations, their families and their communities, and have the skills to respond to them. Some of the key issues include:

- trauma, grief and loss as it affects Stolen Generations survivors, their families and communities
- connection to land or country<sup>15</sup>
- the complexity of Stolen Generations needs
- the need for less emphasis on clinical approaches and greater emphasis on social and emotional wellbeing
- access to services
- training.

#### **2.3.2.1 Trauma, grief and loss**

There is considerable material available on Indigenous trauma, grief and loss, and on its continuing impacts on individuals, families and communities.

#### *Indigenous issues - trauma*

As the Healing Foundation's 2009 Discussion Paper stated:

As a result of the violent history of colonisation, dispossession and forced separation, Aboriginal and Torres Strait Islander peoples are experiencing four types of unresolved trauma:

- *Situational* trauma – where specific situations such as death or forcible removal produce traumatic responses;
- *Ecological* trauma – where chaotic environments contribute to trauma;
- *Cumulative* trauma – where traumas such as daily racism, daily abuse or violence or poverty are repeated; and

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<sup>15</sup> In this submission NSDC generally uses the term 'land or country', out of respect for the differences among Indigenous peoples in Australia, some of whom, for various reasons, have a specific preference for 'land' and some of whom prefer to use 'country'.

- *Intergenerational* trauma – where trauma left unresolved in one generation it is often unwittingly handed down to the next generation through fear, shame, violence or abusive behaviour for example.<sup>16</sup>

The Discussion Paper goes on to say that so far the nation’s responses have focussed on addressing symptoms rather than root causes.<sup>17</sup>

Dr Howard Bath, the Northern Territory Children’s Commissioner, adds to the concept of intergenerational trauma in his identification of developmental trauma, where a series of traumatic events during a child’s developmental phase impairs normal neurological development, particularly as it relates to a capacity to adapt to stress. He states that the effects on children can include inability to form trusting relationships, anger and defiance, passivity, substance abuse and other harmful behaviours towards themselves and others.<sup>18</sup>

More recently, research has indicated that both early childhood disadvantage and early institutionalisation may be factors involved in dementia in “Aboriginal Australians”, for whom the dementia rate is three times that of “non-Indigenous Australians”.<sup>19</sup>

#### *Indigenous issues – grief and loss*

Indigenous grief and loss have also been recognised in, for example, the introduction to the collected papers of the 1999 Conference, *Moving Forward Together*, which refers to “the trauma of dispossession, mistreatment, poor education and housing” and to “the continuing effects of trauma, loss and grief issues [a]ffecting Aboriginal people”.

It is also recognised by some that: “Collective distress and trauma exist as underlying stressors to Aboriginal life.”<sup>20</sup>

#### *Stolen Generations issues – trauma, grief and loss*

The effects of trauma, grief and loss have been documented, in the words of the Stolen Generations themselves, in the *Bringing them home* report, and the national Apology drew further attention to the issues they face. Despite this, the issues are still not well enough understood.

Wendy Hermeston, a former Link-Up caseworker, summarised the issues as follows:

The effects of the policies are numerous and include:

- The grief of parents and family for the child or children removed;
- The interruption to family and community structure when children have been taken;
- The loss of identity, of rightful place in family, of ties with family, community and culture of the children removed;
- The anxiety of the search for family and identity;
- The turmoil, for all, of trying to fit each other back in each other’s lives; and
- The pain and anger when this doesn’t happen as it was hoped, or if it can’t happen at all.

<sup>16</sup> Aboriginal and Torres Strait Islander Healing Foundation Development Team (2009). *Discussion Paper*, p 3. Retrieved from <http://www.healthinfonet.ecu.edu.au/key-resources/conferences?cid=243>.

<sup>17</sup> As above.

<sup>18</sup> Original source unavailable. Similar comments are contained in Bath, H (2011). ‘Disparity and disadvantage – the context for child protection in the Northern Territory’, p 7. Presentation at NT Council of Social Services conference, 15 April 2011. Retrieved from <http://www.ntcoss.org.au/publication/2011/11/ntcoss-conference-2011>.

<sup>19</sup> See footnote 12.

<sup>20</sup> NSW Health. *NSW Aboriginal Mental Health and Well Being Policy 2006 – 2010*, p 1.



Each of these effects manifests itself in various ways, leaving its impact on relationships, physical and mental health, family structure, parenting skills and social and criminal behaviour.

To this list, NSDC would add the way forcible separations from family and community interrupted the connection to land and country, language, ancestors and spirituality, all of which are part of connection to culture. As one Stolen Generations descendant said: "Connection to land is not separate from connection to culture or community or spirituality – they are all the same thing – and this can make it difficult to articulate Indigenous spirituality in our culture."

A Stolen Generations survivor added to this:

There are many issues around spirituality. There are grief and loss around not knowing about Aboriginal spirituality and what that means. For example many Stolen Generations experience spiritual encounters/feelings/déjà vu moments ... they know the ancestors are talking but they don't know what that looks like because they've never been taught about it. Connection to land is spiritual and so is the connection to animals, nature, river – Stolen Generations have that connection but don't understand what it means. This understanding was taken from the Stolen Generations and there is a lot of loss and grief around that.

While growing up they also had to cope with negative influences on their Aboriginal spirituality – being told it was evil and having to cope with forced spirituality (eg Christian).

#### *Families and communities*

Families and communities should always be acknowledged when the Stolen Generations are referred to. They shared - and still share - the trauma, loss and grief. While there may be greater understanding these days of the effect on families, there is still insufficient understanding of the impacts on communities. One Stolen Generations descendant described the issue this way:

Being stolen doesn't just affect them and their immediate families – even if goes three or four generations back. There are communities where there is a correlation between what happened 70-80 years ago ... which destroyed the community and it's never recovered. We need acknowledgement of these impacts on communities and on all Indigenous Australians.

#### *Out-of-home care, juvenile detention and adult incarceration*

As indicated in Section 2.2 above, Indigenous people are vastly over-represented in the child protection and out of home care systems, and in the juvenile and adult criminal justice systems. Some of the adults are from the Stolen Generations and some of the children and young people are the children, grandchildren or later descendants of the Stolen Generations. The needs of all these groups need to be taken into account when Stolen Generations services are being developed, implemented and evaluated.

#### *Resource implications*

There is insufficient information to assist policy makers, program developers, service deliverers and evaluators to recognise, understand and respond appropriately and effectively to the impacts that trauma, grief and loss have on the day to day lives of the Stolen Generations, their families **and their communities**.

A project of the kind outlined in Section 3 below would assist in identifying, in relation to (i) the Stolen Generations, including those in the justice and corrections systems, and (ii) their families, including family members in out-of-home care, on bail or in juvenile detention, and (iii) their communities:

- missing components within existing services
- additional services required

- the resources needed to provide them.

### **2.3.2.2 Connection to land or country**

NSDC has listed this issue separately as, although it also fits with the issues in the above section, we believe there is a need to stress that connection to land or country is as important to the Stolen Generations and their families as it is to other Aboriginal and Torres Strait Islander people. That said, there are specific issues that arise for the Stolen Generations in relation to connection to land, and the rest of this section provides some examples.

Many of the Stolen Generations are aware of the diverse rituals and observations that pertain to land or country across Australia, and are aware that whatever form those rituals take, they include values of respect and reciprocity. Rituals for approaching another nation's land or country show respect for the present Elders, for the ancestors and for the spirits of the land, as well as indicating that they come in peace and are passing through. Reciprocity can be symbolised in various ways, such as – after throwing some beach sand into the water as part of the entry ritual - placing one's hand on the sand in an exchange of energy.

The Stolen Generations can often sense that they are on somebody else's land or country, but they do not know how to manage that as they are not always aware of the specific rituals in that area. Nonetheless the connection to land is real and must be recognised, as is the difficulty the Stolen Generations can experience in entering someone else's land, as that requires being welcomed into that land or country. For the Stolen Generations, being given permission to enter land or country, and being able to stand on it, can trigger great yearning for their own land or country, family and communities. The Stolen Generations are acutely aware that only someone belonging to a particular land or country can welcome others to it, and that if they are not from that land or country, or do not know whether they are, the only appropriate ritual is an acknowledgement of country. NSDC often hears of connection to country activities, for example around the larger urban centres in regional New South Wales, that properly invite and allow Stolen Generations 'permission' to spend time on country, often not on land to which they are related, but on country to which they are invited to spend time to relax and to heal by local hosts.

There is a great need for such programs that support connections to land or country, the person's own land if possible or a general connection to land if a specific connection cannot be established. Healing camps are often suggested as a way of achieving this, and NSDC supports best practice approaches in this area. However, the connection to land is not only about going away to land, it is also about everyday connections. As one of our members has said:

It is about being grounded. Aboriginal people in general, when it comes to everyday stuff and stresses in life ... the best thing an Aboriginal person can do is go and sit on land, take off their shoes and put their feet in the dirt or sit on it, and become grounded again. Even in urban areas people need to get away ... to go fishing, to get back to land, back to nature. They need to be able to ground themselves and release stress.

The Stolen Generations cannot wait, say, six months or 12 months for a camp (even if it is available) to release everyday stresses, so there is a need as well “for that kind of space for people to be able to manage and get back to land, as part of their urban identity”<sup>21</sup>.

Another member commented on the significance of land or country in a different way. He commented:

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<sup>21</sup> Same member as in previous quote.

For many Indigenous people the cultural pride aspect is foremost – the respect that needs to be shown by people entering land or country, and the acknowledgement of the necessity for welcome to country to be given. They wish that this recognition and understanding was part of everyday life, rather than being regarded as an out-of-the-ordinary ritual.

To conclude this section on connection to land or country, NSDC would like to draw attention to the discussion of a social justice package following the *Mabo* decision and the passing of the *Native Title Act (NTA)* in 1993. This package was designed to provide for Aboriginal and Torres Strait Islander peoples unlikely to benefit from native title. Since that time, Stolen Generations have, in main, not enjoyed determinations of native title (mindful that native title itself is not a product of common law but stems from Indigenous customary law itself, and by rights was never frozen; nevertheless, most interpretations of native title have tended to be quite inflexible.<sup>22</sup>) Stolen Generations are also often excluded from other benefits and rights associated with land, such as a place to live, mining royalties, or even the right to be buried on their own country. In response to this ATSIC and the Council for Aboriginal Reconciliation were amongst those invited to submit proposals "for a wider package of measures to help establish an economic base for Aboriginal and Torres Strait Islander peoples and in establishing such a base, to safeguard and further develop Aboriginal and Islander culture"<sup>23</sup>. Similarly, the *Bringing them home* report recommended a social justice package, containing a comprehensive set of recommendations including compensation for Stolen Generations. To date only Stolen Generations from Tasmania have been compensated. Compensation is an important form of recognition, which all Stolen Generations survivors deserve. Despite the fact that most of these recommendations have faded into distant memory, the moral argument for just reparations including financial compensation remains and, if ignored, will continue to have a corrosive effect on the social and emotional wellbeing of many Stolen Generations and their families.

#### *Resource implications*

Connection to land or country is central to all Indigenous peoples' wellbeing. In relation to the Stolen Generations, some know the land or country they come from, others do not – or not yet. Resources need to be available to allow both sets of needs to be met:

- to take people back to land or country where that is known
- to support a general connection to land in a locally accessible place<sup>24</sup> for people who are unable to identify their land or country.

In relation to camps, there are many best practice examples which provide excellent opportunities for the Stolen Generations to come together around a holistic program that addresses the seven domains of SEWB, and NSDC supports them. However funding is rarely available for them to be held for either a long enough period of time or frequently enough. **Recurrent** resourcing for camps needs to be made available to overcome these problems.

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<sup>22</sup> Keating, P. (2011). 'Time to revisit native title laws.' *The Australian*, June 1. Retrieved from <http://www.theaustralian.com.au/national-affairs/opinion/native-title-laws-retain-some-inequality/story-e6frgd0x-1226066685042>

<sup>23</sup> Keating, P. (2011). 'Time to revisit native title laws.' *The Australian*, June 1. Retrieved from <http://www.theaustralian.com.au/national-affairs/opinion/native-title-laws-retain-some-inequality/story-e6frgd0x-1226066685042>

<sup>24</sup> One example in the Campbelltown area is the Stolen Generations Memorial at Mt Annan Botanical Garden, where the site "was chosen by the Stolen Generations to reconnect Aboriginal people with their land". Details available from link at [http://www.rbg Syd.nsw.gov.au/annan/the\\_garden/buildings\\_and\\_art#sto](http://www.rbg Syd.nsw.gov.au/annan/the_garden/buildings_and_art#sto).

An additional issue is that the time between camps (even where they are available) means that there are limited opportunities to address day to day issues. Camps take people out of everyday society - so many of the day to day issues they face do not arise in the camp environment. Recurrent funding is also needed to assist services to address these day to day issues through regular workshops (say, at least monthly) in small localised areas where people can come together for half a day or a day to sit with a counsellor or another person with an SEWB background to talk about everyday aspects of life. That type of regular catching up would be far more beneficial for people than intermittent, underfunded camps (although both regular camps **and** regular workshops would be a preferred approach).

As an experienced Aboriginal SEWB worker said:

Although the workshop approach requires intensive work, including on logistics, once it's set up we would be able get more tangible results and really assist myriad or cocktail of matters a lot of Stolen Generations bring which relate to day to day living.

Finally, compensation is still a live issue for the Stolen Generations, and resources need to be allocated to fund it.

### **2.3.2.3 Complexity of needs arising from the separations and the need for corresponding care pathways that address that complexity**

#### *Health conditions*

The Stolen Generations have a high rate of co-morbidities and complexities. NSDC believes that this is not acknowledged significantly or sufficiently anywhere in the system. This issue needs to be recognised and care pathways that respond to this complexity need to be developed and resourced adequately.

Attention also needs to be paid to the link between the Stolen Generations, the work on addressing chronic diseases and pre-emptors, and SEWB.

A major priority for the Stolen Generations is addressing these issues in a way that recognises that their health needs, including SEWB, will almost always be connected to other issues such as diabetes, cardio-vascular disease or other chronic diseases or conditions.

#### *Training implications*

It needs to be emphasised that, in relation to the needs of the Stolen Generations, every single health worker, regardless of their level of specialisation or training, is working with the most complex group of presentations in Australian society. Appropriate training in the complex needs of the Stolen Generations is essential, at both management and operational levels, if these needs are to be met. The undertaking that all health professionals will be trained to work with Stolen Generations was made on National Sorry Day in 2008 by the Prime Minister. Since that time an investigation of training packages by a DOHA official found a lack of clarity and accountability on this issue.

This issue needs to be addressed.

#### *Resourcing issues*

The complex comorbidities often affecting Stolen Generations require a comprehensive primary health care response. This may involve Aboriginal community controlled services and others, including justice health settings.

Fully supported care pathways for the complex needs of the Stolen Generations and their families need to be developed and funded. This may require consideration of different resourcing and funding arrangements that can, without compromising the ongoing health and wellbeing of the Stolen Generations, overcome the unresolved problems and:

- enable supported, coordinated treatment pathways, including both mental health and social and emotional wellbeing care, including in the justice health setting
- provide access and support for AOD care where required
- is accessible over the long term where required
- includes disability and aged care
- incorporates options for the family as a unit of care.

Resources also need to be made available to develop and implement training packages in this area (ie the complex needs and comorbidities of the Stolen Generations and how to meet them).

#### **2.3.2.4 Need for less emphasis on clinical approaches and greater emphasis on social and emotional wellbeing support**

NSDC considered the existing Framework in terms of the way it deals with a spectrum extending from promotion of SEWB, prevention of poor SEWB, enjoying good SEWB, and being unwell.

In the existing Framework the emphasis is on clinical care, and clinical diagnoses, and there is insufficient emphasis on the day to day issues affecting the Stolen Generations' SEWB and how their SEWB can be restored, maintained or enhanced by non-clinical services and experiences. These services must be adequately and sustainably resourced. For example, regular programs that allow for experiences of being connected to country have been found by the Bringing Them Home Workforce to be highly successful for urban **and** rural **and** remote clients.

This issue needs to be recognised in the renewed Framework, as do the issues of:

- the capacity of the service system to provide SEWB services appropriate to the needs of the Stolen Generations and their families (which is dealt with in Section 2.3.3 below)
- structural barriers to appropriate services
- insufficient numbers of appropriately trained psychological and allied health services and service providers
- limitations on rebated services under the Medicare Benefits Schedule (Better Access) initiative<sup>25</sup>
- the cost of SEWB services to the Stolen Generations and their families.

The rest of this section addresses these issues.

##### *Structural barriers*

There is little disagreement that the service system for the Stolen Generations needs enhancing. Conversely, there is not a great deal of appreciation of the components of appropriate, effective SEWB services for the Stolen Generations, and the structural barriers to providing appropriate components. One example is the way in which the Australian Office for the Arts (OFTA)<sup>26</sup>, which includes Indigenous culture in its responsibilities, has struggled to be recognised as a core agency within the social and emotional wellbeing sector.

This is an issue NSDC raised in its 2012 Scorecard on the Stolen Generations Working Partnership (SGWP), as one of NSDC's priorities was to ensure that:

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<sup>25</sup> See <http://www.health.gov.au/internet/main/publishing.nsf/Content/mental-ba-fact-pat>.

<sup>26</sup> Part of the Australian Department of Regional Australia, Regional Development and Local Government.

establishing and maintaining cultural integrity, connection and identity are foundational elements of the renewed social and Emotional Wellbeing Framework, and that the portfolio of Indigenous arts, culture and language participates in the development of this Framework<sup>27</sup>.

NSDC also sought to obtain recognition that “culture and language are fundamental for healing Aboriginal and Torres Strait Islander communities, families and individuals”<sup>28</sup>.

The official response from OFTA indicated that it looked forward to:

working with DoHA on the development of the renewed Social and Emotional Wellbeing Framework, and will be promoting the message about the foundational role of culture through our involvement<sup>29</sup>.

However, as far as NSDC is aware, OFTA is still not part of the Working Party for the renewal of the Framework.

#### *Numbers of services and providers*

NSDC believes there are not enough appropriately trained psychology and allied health providers available to meet the needs of the Stolen Generations, and there is an even greater shortfall in the numbers of Aboriginal practitioners and services. Waiting lists can be very long, creating damaging delays for the Stolen Generations.

#### *MBS rebates*

This issue is raised here to highlight the way the limitations on MBS rebates artificially restrict the capacity of the services available to the Stolen Generations, in two ways – through the referral requirements and through the limits on the number of eligible consultations per year. The referral requirements essentially place an ‘onus of proof’ on the client, and for the Stolen Generations this can raise the access issues listed in Section 2.3.2.5 below in relation to *learned experience/modelling, trust and privacy*, while the limitation on the number of rebatable consultations raises access issues of *safety and time*, and *cost*.

#### *Cost*

Unlimited free access to psychology and allied health services for the Stolen Generations would resolve both issues, assuming sufficient appropriate services are available. However, there are differing views on this matter among the Stolen Generations and among Aboriginal and Torres Strait Islander people. Some support the proposition, some believe it should also apply to the families of the Stolen Generations, and others believe it should apply to any Aboriginal and Torres Strait Islander people who wish to take up this option.

Whichever solution is adopted, it is important to recognise that the issues affecting the Stolen Generations are unlikely to be resolved in six consultations, and that even an automatic extension for the Stolen Generations and their families to 12 consultations per year would be an improvement for them on the current situation.

#### **2.3.2.5 Access to services**

Policy makers, program designers and service delivery organisations need to be aware of the potential access barriers that face Stolen Generations survivors. These potential barriers include:

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<sup>27</sup> National Sorry Day Committee Inc (2012). *Stolen Generations Working Partnership: Scorecard 2012*, p 5 (Priority 3). Retrieved from link at <http://www.nsd.org.au/advocacy/sgwp-scorecard>.

<sup>28</sup> As above

<sup>29</sup> As above

- availability
- distance and transport issues
- disability access
- trust issues
- learned experience
- privacy issues
- safety, time and skills issues
- cost.

#### *Availability of appropriate services*

In essence, there are insufficient services for the Stolen Generations and their families, and even where there are services, they are often heavily booked with long waiting lists. (The capacity issues are addressed in more detail in Section 2.3.3 below.)

#### *Distance and transport*

The degree to which this is a barrier depends on:

- the length of travel
- the available transport services, including private transport options if public transport is not available at the relevant times
- the capacity of the person to travel alone, and the availability of a travel companion if not
- the cost of travel (transport and, where applicable, accommodation).

#### *Disability access*

Given the following, disability access is likely to be a significant access issue for the Stolen Generations:

- “50% of Aboriginal people have some form of disability or long term health condition” and “this prevalence of disability is more than twice that of the non-indigenous Australians”.<sup>30</sup>
- the Stolen Generations have a high rate of complex needs and comorbidities (see Section 2.3.2.3 above)
- the Stolen Generations are in general more disadvantaged than other Aboriginal and Torres Strait Islander people in Australia (see Section 2.2 above).

#### *Trust*

As has been well documented, trust issues arise for all Aboriginal and Torres Strait Islander people who were forcibly removed from their families and communities. As the forced separations also affected their families and communities, the lack of trust is still widespread. This lack of trust does not necessarily apply only to individual agencies (government, non-government and church-based) who were involved in the forcible separations but can also apply to any agency today that has the power to affect the life of a Stolen Generations survivor or their family.

The result is that for many Stolen Generations survivors, approaching, or accepting a referral to, non-Aboriginal services (government or non-government or church-based) is simply not an option. It also means that many of the Stolen Generations leave it until they are chronically ill before they seek treatment.

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<sup>30</sup>Quoted in <http://nacchocommunique.com/2013/05/20/naccho-press-release-naccho-praises-release-of-fpdn-10-point-plan-for-aboriginal-people-with-a-disability/>

### *Learned experience/modelling*

Many Stolen Generations survivors, especially those in institutions, were not used to having medical treatment routinely sought for them for injuries, illnesses or conditions. As one Stolen Generations survivor said of institutions: “Unless you were really, really extremely sick, you didn’t have medical treatment as kids – you weren’t used to having medical treatment – so it becomes a habit that you suck it up or whatever.” This lack of exposure to appropriate modelling compounds the trust issues.

### *Privacy*

Privacy issues can arise for clients where they live in close knit communities and do not want others to know that they are accessing services, or where the service provider has a family relationship to them.

### *Safety, time and skills*

These issues can affect Stolen Generations survivors’ access to Aboriginal and general community services.

Recovery from the impacts of separation from family and community is a long process and needs to be done at a safe and supported pace. Service providers need to create a safe space where clients healing from the traumas of separations, and all the follow-on effects down the generations, can gradually overcome fear and distrust and build self-empowerment. This process allows clients safely and gradually to build their own capacity to make use of the other services that are available, if they are appropriate for their needs.

### *Cost*

Given the higher levels of socio-economic disadvantage experienced by the Stolen Generations compared with other Aboriginal and Torres Strait Islander people (see Section 2.2), it is likely that in general the cost of a service will be a greater access barrier for them.

The impact of any of these barriers to access is significant, but when two or more of them are combined, the impact on the lives of the Stolen Generations is compounded.

## **2.3.2.6 Training**

### *Commitment*

As indicated in Section 2.1, in 2008 then Prime Minister Rudd made a commitment to the training of mainstream health care professionals to improve their ability to care for Stolen Generations and their families<sup>31</sup>, which is reflected in the SGWP agreement<sup>32</sup>. Initial scoping work by DOHA to assess available health care training packages and their Stolen Generations content indicates there is no guarantee that the training is delivered, or that it is linked to a core competency.

### *Resource implications*

Sufficient resources need to be made available to fulfil the 2008 commitment, and to ensure that training packages:

- contain appropriate, consistent information about the needs of the Stolen Generations

<sup>31</sup> See *Koori Mail*, 4 June 2008, p. 7. Retrieved from <http://www.aiatsis.gov.au/koorimail/issues/pdf/427.pdf>.

<sup>32</sup> Expressed on p 6 of *Stolen Generations Working Partnership* at <http://www.fahcsia.gov.au/our-responsibilities/indigenous-australians/programs-services/recognition-respect/stolen-generations-working-partnership> as “Ensuring that training for staff of government and community services with significant proportions of Aboriginal and Torres Strait Islander clients includes an understanding of the impact of the forced removal of Indigenous children. The services provided to Aboriginal and Torres Strait Islander clients must be sensitive to the needs of the Stolen Generations and should encourage the Stolen Generations to be involved in decision making about the services provided to them.”.



- are linked to relevant accreditation
- are delivered.

The proposal in Section 3 below could both assist in formulating new or improved Stolen Generations training packages and provide a 'clearing house' function in this area. The proposal is intended to achieve continuous improvement and will have living documents. This means that Stolen Generations training packages could be made available as soon as possible, but that new knowledge could be incorporated as it becomes available.

### **2.3.3 Service System Issues 3: Capacity (funding, workforce development and organisational support)**

The capacity of the service system is not adequate to meet the needs of the Stolen Generations, their families and communities. Issues include urgency, capacity, eligibility criteria, insufficient appropriately trained Indigenous SEWB workers, workforce development, organisational support, measures of success, and the future of Stolen Generations services.

#### **2.3.3.1 Urgency of meeting needs of Stolen Generations survivors and descendants**

The Stolen Generations are ageing, so meeting their needs is an urgent priority. Many Stolen Generations survivors are dying before they can find family or be reunited with them – or before family can find them. As a former Link Up CEO said:

One image that will always remain with me is of one of our Aunties, digging at her mother's grave with her bare hands. Graveside reunions like this are heartbreaking for everyone involved, but most of all for the families. An apology, although welcome, is only the beginning of the process of trying to set things right for them.<sup>33</sup>

More detailed comments on the needs of Stolen Generations survivors are contained in Section 2.3.3.2 below. However, NSDC would like to emphasise that the urgency is not restricted to the Stolen Generations alone. The inter-generational impacts of forced removals are extremely significant<sup>34</sup>, and governments and the non-government sector should not assume that the urgency will pass with the passing of the Stolen Generations.

Indigenous children are vastly over-represented in the out-of-home care system, and many of them are Stolen Generations descendants. If this, too, is not addressed as a matter of urgency, the impacts on the lives of Aboriginal and Torres Strait Islander children and young people will be significant, and costs – whether fiscal or social - will increase dramatically.

This is not an either/or issue – *both sets of needs are urgent*.

#### **2.3.3.2 Funding, workforce development and organisational support**

There is *insufficient capacity* within the service system to provide a holistic response to meeting the needs of the Stolen Generations, their families and their communities. There are still thousands of Stolen Generations survivors on Link-Up waiting lists across the country, still waiting to try to find their families, or be found by them. There is no consistent funding for cultural camps/healing camps, or for regular local workshops where people can sort through day to day issues with expert SEWB support. There is little, if anything, for communities affected by the taking of their children and young people. There are not enough Indigenous SEWB workers. There are insufficient Indigenous counselling services for the Stolen Generations and their children, there is insufficient

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<sup>33</sup> Stubbs, Glendra, 'Reconciliation in Parliament: Reparation for the Stolen Generations', Speech given to Public Forum at NSW Parliament, 3 June 2008.

<sup>34</sup> See, for example, Section 2.2 of this document.

family support to stem the increase in the inter-generational effects, and Aboriginal child placement principles do not, despite their apparent intent, ensure that Aboriginal children in the out-of-home care system are placed with family, community or other Aboriginal people.

*Eligibility criteria* can be a problem, too, even where there is a service. For example, the eligibility criteria for Link-Up services are too strict and do not recognise that, for example, forced separations continued into the early 1980s in Queensland, north of the Sunshine Coast. These criteria also do not recognise that there can often be a considerable time lag between policy change and changes in practice – or that the change of a policy does not necessarily change the attitudes or stereotypes of those who must adopt new practices.

The capacity of the service system to meet the needs of the Stolen Generations, their families and communities needs to be increased, and this increase should favour the development or expansion of Indigenous SEWB services and *an increase in the number of Indigenous SEWB workers*, trained to a level where they can actually provide the service needed rather than being restricted to facilitating it or assisting it. This expansion is essential, given the issues outlined earlier in relation to trauma, grief and loss, and their impact on access to services, as it is vital that the Stolen Generations and their families have access to an Indigenous SEWB worker with whom they are comfortable enough to open up about extremely private and painful issues.

Expansion brings *workforce development* issues and this should be also be supported in a focussed way, for face-to-face staff, management and Boards.

One experienced SEWB manager has suggested that funders re-examine *organisational support*. This manager suggested that the Commonwealth could support, for example, the Link-Ups with a national unit to manage high level administration, including liaising with the Commonwealth and reporting to it on their behalf, so that the Link Ups can focus on their core business. This would, of course, need to be discussed with the Link Ups directly.

A great deal of work has been completed on the non-government service sector and barriers to their operations, management and governance. Barriers facing Indigenous SEWB organisations need to be addressed, and funders need to support this process. One issue in this area is the focus on quantitative data, which can be problematic for services such as finding family, family reunion, and counselling, where the amount of time required can vary from relatively short to extremely long. There is longitudinal evidence that demonstrates the quality of life benefits from, for example, one on one counselling – clients make more positive changes and life improves markedly for the individual and their circle of family and friends. However, *it can be difficult, when services are measured largely by throughput, to demonstrate this success through numbers alone.*

Finally, to those not familiar with the issues it may seem that the Link Ups and other Stolen Generations services have a limited life. Regrettably, the impacts of forcible removal policies mean that this is not the case. The needs of the Stolen Generations will need to be met *well into the future*, with the intergenerational effects on descendants and communities persisting many decades after that. There is also a natural affinity between some service types that allows some organisations to provide services to the Stolen Generations and to descendants. For example, the knowledge, experience and skills obtained by the Link Ups in searching for family of the Stolen Generations can also be drawn on to find family for Indigenous children in the out-of-home care system.<sup>35</sup>

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<sup>35</sup> This can help governments meet the Aboriginal Child Placement Principles. It already occurs, for example in NSW, through a state-funded Family Link service within Link-Up (NSW) Aboriginal Corporation.

Planning for the future needs to take these issues into account and to recognise that a premature end to services to the Stolen Generations, their families and communities would be neither effective nor cost-efficient.

#### *Resource implications*

- Greater resources are needed for Indigenous SEWB services for the Stolen Generations, their families and communities so that the services match the size of the need, as well as the different groups and issues involved.
- More Indigenous counsellors and counselling services are needed.
- The Indigenous workforce needs to be expanded, with priority given to increasing professional, not just assistant, roles.
- Greater family support, general as well as intensive, needs to be made available to reduce the inter-generational effects of the forcible separations.
- Greater effort needs to be made to meet the needs of (i) the Stolen Generations and their descendants in the adult criminal justice system, and (ii) their descendants in the juvenile justice system.
- Greater support needs to be given to Indigenous services to overcome external barriers to effective service.
- Funders and others need to be aware of, and resource, the level of organisational support required when new services are established or existing services expanded.

#### **2.3.4 Service System Issues 4: Heeding the voice of the Stolen Generations**

The NSDC strongly believes that the Stolen Generations must be clearly identified as a population with complex needs within the Aboriginal and Torres Strait Islander population. The Stolen Generations have been identified by DOHA and others as a 'special needs' group, e.g., in submissions to the National Aboriginal and Torres Strait Islander Health Plan and to the review of the aged care sector and this recognition must also be consistent throughout the renewed SEWB Framework.

However even if the Stolen Generations are recognised as having distinct needs, it is unlikely that specific needs will be recognised and met without the assistance of the Stolen Generations. This requires skilled consultation not just about what needs are and how they can be met, but also about how the consultation process is conducted, what feedback the participants will receive, and how large a role they will play in the decision making.

Unfortunately, this ideal is **not** generally the reality for the Stolen Generations. One Stolen Generations survivor described it at length this way:

Indigenous people are the most researched people ever – and what has come out of the research?

People go into Indigenous communities saying we're here to find out what you need etc; they make decisions on behalf of Indigenous people, then leave. There is no feedback to communities about all the research done on them and what they need. The researchers go away and usually half the time nothing is implemented, nothing changes, and the community is unaware of anything that has come out of it.

So there is a reluctance for Indigenous communities to have a voice or feel like they can say something and something will be done about it. Their voice is constantly being degraded because nothing is said back to the community – so why have a voice, why say anything if no one if no one is going to do anything about our needs.

We need to try to find a way of not just giving Indigenous people a voice but making sure it is heard and stuff is done about it.

The Northern Territory Intervention is a classic. People had been saying we need, we need help - for 20 odd years. What happens [after 20 years] is that the government goes in with a knee jerk reaction saying this is what we're going to do, but without any consultation with Indigenous communities about needs or wants. Government has just gone in and done what they wanted to do with a knee jerk reaction – but they waited 20 years and were crying out for help all that time.

People use their voice and try and get people to help and understand what their needs are and then there's the paternalistic attitude of government going in and saying we think you need this and we're not even going to consult you about it.

It's a flawed process in the eyes of the Indigenous community. Consultation with communities, around how that is going to look – not just somebody saying this is how it's going to be and this is what we think is going to help you – that consultation is really important.

This is not just idealist rhetoric – it has a profound effect on whether services are accessible to the Stolen Generations. First of all services have to be appropriate to the needs expressed and be able meet those needs in ways, at times and frequencies, and in places that meet those needs. They also have to be affordable. All of us have our own assumptions about how these criteria can be met and combined to provide an appropriate service; however, unless we listen to the voice of the people concerned, and heed it, we risk imposing stereotypes that will be ineffective at best and, at worst, harmful.

Some of the ways in which the Stolen Generations' personal, family and community histories can impede access to services was outlined above in Section 2.3.2.5. However it also needs to be stressed that heeding the voice of the Stolen Generations is a particularly critical issue, as using that voice requires them to revisit trauma, grief and loss, because this is the source of their unique needs, and this requires considerable courage<sup>36</sup>.

### **2.3.5 Service System Issues 5: Effectiveness and Accountability**

Key performance indicators (KPIs) are needed for the renewed Framework which reflect a considered view of:

- what needs to be measured, based on prior agreement about what outcomes are to be achieved for the Stolen Generations, their families and communities, and when and how they will be achieved
- how the data could best be used (privacy considerations for Stolen Generations survivors need to be taken into account here).

Development of KPIs could be linked to the current preliminary work that ABS is undertaking on the design and content of the National Aboriginal and Torres Strait Islander Social Survey (NATSISS), scheduled for field enumeration from August 2014.

The KPIs for the renewed Framework need to be part of a system that includes:

- monitoring, so that what happens is recorded

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<sup>36</sup> For example, NSDC understands that the Stolen Generations who told their stories for the NSW *Learning from the Past* report and the national *Bringing them home* report were sometimes talking about their trauma, grief and loss for the first time, or for the first time outside their family.

- evaluation, so that it can be determined whether what happened was as expected, better than expected, or worse than expected, and the causes of those results (e.g. what was done, who did it, the level of funding, etc - or some unforeseen factor).
- review, so that a clear decision can be made about what happens next, given the results achieved.

The interests and needs of the Stolen Generations need to be built in to all these processes.

## **2.4 Schools and the community**

So far this submission has focussed largely on the health service system. However, the education system, at all levels also plays a significant role in public health and population health by increasing knowledge in Indigenous and non-Indigenous students of the Stolen Generations, and in developing and fostering understanding of the issues they face.

### **2.4.1 Schools and school communities**

SEWB starts the moment a child is born, and childhood and early adult experiences shape a person's coping abilities as adult. Integrating Indigenous culture into the whole school life and the whole community life is a protective factor for Indigenous children and young people, whether or not they are living on their traditional country, by providing positive reinforcement of their identity.

This is a particular issue for the children, grandchildren - and later descendants - of the Stolen Generations. As some of the children of the Stolen Generations were growing up, they may have known they were Aboriginal and may have known that their parent(s) were stolen, but they often had no or little connection to their families, communities and culture – and there was very little in schools or the general community to assist in creating connections.

It is still common for the children, grandchildren - and later descendants – of the Stolen Generations to be growing up in country where they are not directly related to the traditional owners of that land. Their ancestors belong to other land, which may even be in another State or Territory, and their descendants may not even have been to their traditional lands. However, being able to connect to the local culture in some way is deeply meaningful to those children growing up, and to their understanding and acceptance of their Aboriginality. As one Stolen Generations descendant states: “Activities such as creating vegetable patches where students grow bush foods, teaching children local dances, and explaining local welcoming ceremonies all make a huge difference than if they are not there”.

These days many schools acknowledge the traditional owners and country, and recognise for example, National Sorry Day and NAIDOC week, which means that children and young people who are disconnected from ancestors, land or country, and culture can find at least a general connection through school. When knowledge of Indigenous peoples and of the Stolen Generations is part of whole school life, this develops understanding and fosters respect in non-Indigenous students as well, and can help reduce the racism and bullying that Aboriginal and Torres Strait Islander students experience. The impact this has on their growing up into healthy, well adjusted, well rounded adults is, in the words of one Stolen Generations descendant herself, “massive”. She went on to say: “SEWB can't go back and undo what's already been done, but in looking ahead the focus needs to be on the kinds of adults we are shaping.”

NSDC recognises that care needs to be taken in this area and emphasises the factors that need to be taken into account when general programs are in place in local schools. Among other things, schools and their communities need to establish who the traditional owners and elders of that land are, how they undertake responsibilities such as welcoming ceremonies and dances, and what is appropriate

for non-members of that nation to participate in. NSDC will shortly release an education resource that is linked to the national curriculum, and will assist in creating whole school recognition of days of significance to the Stolen Generations, and in preparing lessons on the Stolen Generations, the history of forcible separations, and their past and present consequences.

#### *Teacher education*

As one Stolen Generations survivor put it: “We need to shape teachers minds as well. Teachers are the ones delivering the packages.” Teacher education on the Stolen Generations is critical, as it is teachers’ understanding and attitudes that are transmitted to students along with the formal teaching content. Teachers need to be targeted at University not just with units of study that encompass Indigenous issues, but also with accurate information on the history of the Stolen Generations and its past and present impacts.

NSDC understands that some education on Indigenous issues is part of teacher education at present, but that the approach is not consistent across the sector, and that in some cases it is based on individual research by the student, with learning outcomes dependent on the amount of effort the student puts into that research. NSDC also understands that the Australian Curriculum, Assessment and Reporting Authority (ACARA) and the Australian Institute for Teaching and School Leadership (AITSL) are currently undertaking major work on addressing these issues with a view to introducing significant positive changes at tertiary level through the curriculum in schools of education.

#### *Resource implications*

More resources are needed for school and community activities that can support the Stolen Generations, their families and communities. Many of the existing activities are not necessarily directly funded but funded indirectly through schools and community groups, and they often affect small areas only. The lack of a systemic approach in this area means that it is a matter of chance as to whether the Stolen Generations and their descendents experience the benefits that these activities bring.

Resources are also needed to ensure that the changes in teacher education envisaged by ACARA and AITSL are implemented.

### **2.4.2 General community issues**

There needs to be awareness and acceptance in the wider community of the facts of forcible separation of the Stolen Generations from their families and communities. Many people still have little understanding of what took place, for how long, and how this affected people in the past and affects people today. It is still common for the term Stolen Generations to be used in the singular, as though forcible separations from family and community occurred in only one generation rather than over many, many generations.

General community awareness contributes significantly to the SEWB of the Stolen Generations. It supports the Stolen Generations in their own right, and it supports their descendants in valuing Aboriginal culture for themselves and their families, so that children and young people no longer need to grow up living in two disconnected worlds, but can live in one integrated world.

#### *Resource implications*

As with schools and their communities, campaigns and activities aimed at increasing the awareness and education of the general community about Stolen Generations issues need to be recognised as providing public and population health benefits and resourced appropriately.

### 3. Conclusion

The needs of the Stolen Generations are urgent. Available evidence indicates that in general they are even more disadvantaged than Aboriginal and Torres Strait Islander people as a whole<sup>37</sup>. Their witnessing of the intergenerational impacts of forcible separations<sup>38</sup> adds to their grief and loss. They are ageing.

Their complex needs require a holistic response from governments as well as from the non-government sector, with sufficient funding to allow informed, sustainable responses to the needs of the Stolen Generations, their families and communities. Such a response requires an increased Indigenous workforce, and for all health workers to be trained in the needs of the Stolen Generations.

For that training to be useful it needs to include information about how the issues facing the Stolen Generations impact on their day to day lives, and about responses to these impacts that are appropriate and effective.

NSDC recommends that:

1. The renewed Framework:
  - (a) highlight the issues facing the Stolen Generations, their families and communities
  - (b) emphasise the need to provide responses that take into account the way the issues impact on their day to day lives
  - (c) provide links to information that can assist researchers, policy makers, program developers, service providers and evaluators to make this a reality
  - (d) support an increased, and better trained Indigenous SEWB workforce
  - (e) recognise the need for increased resources to provide sustainable, holistic services based on the above approach.

In view of both the time lag in implementing the 2008 commitment re Stolen Generations training for all health workers, and the inadequacies in the available training material, NSDC further recommends that:

2. The renewed Framework support the development of a collaborative national project involving the Stolen Generations, and relevant government and non-government agencies to:
  - (a) collate existing material that identifies specific needs of the Stolen Generations, their families and communities and concrete ways of addressing them
  - (b) identify gaps in the existing material (including not only vocational education materials but also professional schools and college curricula) and fill them in a consultative manner, ensuring that attempts to acquire additional information respect the rights and sensitivities of the Stolen Generations
  - (c) prepare draft training packages for consideration by:
    - i. the Stolen Generations, and organisations with specialist Stolen Generations knowledge and skills
    - ii. policy makers, program designers and service delivery organisations
  - (d) publish the preferred training packages
  - (e) monitor the implementation of the training
  - (f) establish a clearing house mechanism, as well as a process for regular updating of the packages as additional information becomes available
  - (g) undertake regular reviews of the adequacy of the training packages.

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<sup>37</sup> As in, for example, Section 2.2 of this document.

<sup>38</sup> As above.

3. The renewed Framework support the development of shared indicators to ensure that education professionals at all levels are similarly trained to have a critical awareness of Australian history and the experiences and ongoing impacts of the Stolen Generations, so readying them to then teach this content to their students.



## Extract from ANTaR Submission to the 2013-14 Federal Budget

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The extract that follows is from the submission made by ANTaR national in relation to the above budget. It is from Section 7 (pp 24-27) of the submission, Sorry is the first step: reparations and resources for the Stolen Generations, and cites evidence relating to the needs of the Stolen Generations.

The full submission is available from <http://antar.org.au/reports/antar-pre-budget-submission-2013-14>.

### 7. Sorry is the first step: reparations and resources for the Stolen Generations

The 1997 *Bringing them home* report of the National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from their Families found that between 1 in 10 and 3 in 10 Aboriginal and Torres Strait Islander children were forcibly removed from their families and communities in the period from 1910 to 1970. This removal occurred as the result of official laws and policies aimed at assimilating the Aboriginal and Torres Strait Islander population into the wider community.

There is growing evidence to show those Aboriginal and Torres Strait Islander people "having experienced removal themselves or of their direct family are less happy, have lower general mental health and vitality and are 38 per cent more likely to display high psychological stress on the Kessler scale" (Dockery, 2012, p. 293) ; i.e., of a gap within the gap experienced by Aboriginal and Torres Strait Islander people generally<sup>44</sup>, with such disadvantage stemming from the impact of their experiences of removal.<sup>45</sup>

In 2012, FaHCSIA commissioned an analysis of the National Aboriginal and Torres Strait Islander Social Survey (NATSISS) 2008 to better understand the Stolen Generations population. It cautiously estimated a population of 17,800 'first removed' survivors. This represents 9.8% of the Aboriginal and Torres Strait Islander population over 30 years in 2008 - the age cut-off used to more clearly identify those respondents who have been removed in the institutional context of the Stolen Generations. It also again showed those removed as having poorer outcomes across a range of socio-economic indicators including educational level achieved, employment status, whether they have been

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<sup>43</sup> Information about current funding levels is available at:

<http://www.health.gov.au/internet/main/publishing.nsf/Content/health-oatsih-ctg-package>

<sup>44</sup> Ministerial Council for Aboriginal and Torres Strait Islander Affairs (MCATSIA) (2006). Agenda Item 6, 'Bringing Them Home Reporting Framework'.

<sup>45</sup> Dockery, M. (2012). Do traditional culture and identity promote the wellbeing of Indigenous Australians? Evidence from the 2008 NATSISS, in B. Hunter & N. Biddle (eds) *Survey analysis for Indigenous policy in Australia: Social Science Perspectives* [pp. 281-305]. Canberra: CAEPR.

arrested in the last 5 years and are more likely to self assess their health as poor.<sup>46</sup>

These outcomes require a range of specific, targeted services and supports that comprehensively address identified needs, in addition to broader efforts to close the gap. Targeting Stolen Generations populations has challenges with 18 % currently living in remote locations, with 82% are in major cities and regional areas. Further, some may choose not to identify.

On compensation, the 2011 NSDC scorecard noted, '[s]eeking justice through monetary compensation for the harm incurred under past forced removal policies remains a priority for many members of the Stolen Generations'<sup>47</sup> and noted the Federal Government's disappointing unwillingness to date to provide monetary compensation and its failure to show "much needed leadership" on this issue.<sup>48</sup> Payment of reparations should be a joint state and Federal Government responsibility. The Tasmanian government has already acted in this regard. However, the Federal Government has the capacity to lead the states on this issue, including via the establishment of a Stolen Generations Reparations Tribunal to hear claims by people from states that have not established adequate schemes for redress. In addition, the Federal Government has direct responsibility for members of the Stolen Generations from the Northern Territory. The cost of the operations of a Tribunal and the providing of reparations could be met with the establishment of a Stolen Generations Fund, as proposed by the Public Interest Advocacy Centre in 2009.<sup>49</sup>

The need to develop solutions to the ongoing needs of Stolen Generations was outlined in the Stolen Generations Working Partnership (SGWP).<sup>50</sup> It is essential this partnership continue to be implemented. This cannot be done effectively without extra funding. For example:

- The need to ensure that "the Social and Emotional Wellbeing Framework is a core part of the new Health Equality Plan" and "party to the same budget cycle process";
- The need for improvements to Link-Up Services and the delivery of Social and Emotional Wellbeing Counseling;
- The need for comprehensive Stolen Generations cultural competence training for health and welfare workers; and
- The need for additional support to meet funeral expenses for members of the

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<sup>46</sup> Thapa, P, Cherian, B, & Shah, Q. (2012). *The Stolen Generations: Data Perspectives from the National Aboriginal and Torres Strait Islander Social Survey, 2008*. Presentation at the Stolen Generations Working Partnership Forum April 2 & 3, Canberra.

<sup>47</sup> National Sorry Day Committee, *Stolen Generations Scorecard – 6 month update*, November 2011.

<sup>48</sup> Ibid.

<sup>49</sup> *Restoring Identity: Final Report of the Moving Forward consultation project*. Public Interest Advocacy Centre, 2009. Accessible at [http://www.piac.asn.au/sites/default/files/publications/extras/RI\\_report\\_final.pdf](http://www.piac.asn.au/sites/default/files/publications/extras/RI_report_final.pdf).

<sup>50</sup> *Stolen Generations Working Partnership* <http://www.fahcsia.gov.au/sa/indigenous/pubs/stolengenerations/Pages/StolenGenerationsWorkingPartnership.aspx>

Stolen Generations.<sup>51</sup>

Link-Up and Bringing Them Home case worker and counsellor services were part of a suite of measures the Federal Government provided in recurrent funding by way of reparations due to the Stolen Generations. ANTaR welcomed additional funding of \$54.4 million / 5 years in the 2011-12 Budget for the continuation of Stolen Generations services under the rebadged Social and Emotional Wellbeing Program. It is critical this support for family reunification and social and emotional wellbeing and mental health support continues.

Representative organisations such as the National Sorry Day Committee and the National Stolen Generations Alliance play a critical role in maintaining public awareness of the need for comprehensive reparations for Stolen Generations, bringing to light the importance of just compensation and the need for the ongoing education of the general public, especially school children through the new national history curriculum. This work has been provided up until recently with only very basic financial support by the Australian government. Whilst the sector continues to build capacity and is thus able to continue to contribute to the SGWP, this is only possible through secure and regular resourcing.

**Recommendation: Adequately resource the implementation of the Stolen Generations Working Partnership.**

Translating the SGWP into action requires that it be integrated into the policy and program development processes. The effective participation of Stolen Generations in these processes will require resourcing, as will the monitoring and evaluation of partnership processes overall.

**\$2 million in 2013-14 (\$4 million / 2 years)**

**Recommendation: Establish a national Stolen Generations reparations scheme**

ANTaR believes an initial establishment payment of \$20 million to establish the Fund would be sufficient to enable the Tribunal to commence operations. The Fund could be reimbursed and/or topped up by further payments from states, church and other organisations found to have been involved in forcible removal practices including the abuse of children in their care. Such a Tribunal could also assist governments in partnership with Stolen Generations NGOs in considering appropriate additional entitlements to health and social services in recognition of the particular needs of this population group.

**\$20 million 2013-14**

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<sup>51</sup> NSDC, *Stolen Generations Working Partnership Scorecard 2012: The progress of the SGWP from May 2011 to May 2012*, accessed at <http://www.nsd.org.au/documents/item/52> on 18 December 2012.

**Recommendation: Adequately support Stolen Generations organisations.**

The National Sorry Day Committee and the National Stolen Generations Alliance play a unique role and have operated largely on a volunteer basis for many years. Secure and ongoing resourcing is needed for both organisations to increase their capacity.

**\$500,000 p.a. recurrent**