

NSW Legislative Council General Purpose Standing Committee No. 3

Inquiry into reparations for the Stolen Generations in NSW

Submission by

Dharriwaa Elders Group,
Walgett.

19 October 2015.

- 1. About the Dharriwaa Elders Group (“DEG”).** Full Members of this incorporated association are over the age of 60 living in Walgett. Associate Members are their friends and supporters. The Group’s founders started working together to pass on cultural knowledge and manage cultural business in Walgett in 1999, auspiced by the Walgett Aboriginal Medical Service. They decided to incorporate in 2005 after it was obvious that their business was distinct and needed to be independent. The organization they built supports the wellbeing of Walgett Elders to work for their community’s development through cultural leadership and education activities. DEG is a healing and strength-building enterprise begun by Elders themselves which has struggled for recognition and support from the NSW Government, despite providing and advocating much-needed community solutions during its lifetime.
- 2. DEG members today are directly affected by either being stolen themselves, or from their family members being taken away.** Two founding members of DEG were stolen from their families in their youth. DEG’s founding Speaker¹ was taken from Angledool Aboriginal Station to hospital and then to Kinchella Boys Home. A female founding member was taken from Walgett Aboriginal Station to the Brewarinna Girls Dormitory and then to Cootamundra Girls Home. Both were very active members of the DEG, and were supported by DEG to revisit Kinchella and Cootamundra in their later years. Both have now passed away, but we believe that this submission advocates for them. This submission also speaks for the living DEG members who were taken away²; those with us today whose mothers, fathers, aunts, uncles, sisters and brothers were taken from their families; and for the wider Walgett Aboriginal community members who had grandparents and other family members stolen from them. In the two workshops to develop this submission³ it was noted that 10 direct family members of the 9 Elders present had been stolen. An additional 18 Walgett Aboriginal community members were remembered by those present as having been stolen. We are confident that more research will reveal others.
- 3. The Walgett Aboriginal community is suffering today the effects of children being taken away from their families and community.** These effects have been discussed in the First National Aboriginal Mental Health Conference held in Sydney in 1993⁴, and the 1997 “Bringing them Home” National Inquiry and its Report, and on many other occasions by victims, their families and health professionals of many disciplines. This ongoing suffering has been acknowledged by Australian Prime Minister Paul Keating in his Redfern Park Speech of 10 December 1992 and by Premier Bob Carr’s Apology Speech in NSW Parliament of 18 June 1997. Elders have referred to it as a genocide. Is the war over? If so a Treaty needs to be negotiated. The Dharriwaa Elders Group believes that much repair is required at the individual, family and community levels. A “post-war” reconstruction effort. We offer to collaborate with academic research that provides the evidence to show the links between our community’s disadvantage and current wellbeing, and the dispossession of our lands, culture and self-determination through unjust actions and controls of the NSW Government over Aboriginal children, families and communities.

¹ The Chairperson of DEG

² One is still with us

³ Held in Walgett 30/9/15 and 19/10/15

⁴ This event was recorded by DEG Project Manager Wendy Spencer’s company Heuristic Video for the Redfern Aboriginal Medical Service. A series of 4 x education videos from the recordings were produced - <http://trove.nla.gov.au/work/19942809>

4. Recommendations

- (a) That the Committee adopt a definition of **“Stolen Generations”** to be the children who were removed from their families by force or from “undue influence”⁵, their families, their families’ descendants, and their communities. This definition is used in this document.
- (b) Whilst we recognise there was a national inquiry conducted by HREOC in 1995-1997 and that the inquiry made 54 key recommendations in its Bringing Them Home report, we recommend NSW urgently needs to establish its own entity (**“The Entity”**) (a Truth and Reparation Commission) to specifically investigate how the State can adequately redress its unfinished business re NSW Stolen Generations, including to :
 - i. Research and identify the NSW “Stolen Generations” Aboriginal individuals as per the definition above.
 - ii. Research and identify relevant NSW Government policies, legislation and practices that caused children to be “stolen” from families and communities.
 - iii. Investigate human rights violations undertaken by the NSW Government and its sub-contractors in the undertaking of these policies and practices.
 - iv. Investigate crimes of violence, murder, blackmail, sexual and other forms of abuse and neglect committed against children by employees of NSW or entities and institutions funded by the NSW Government and award compensation appropriately to victims or their estate if they no longer live, and extend the period of time (ie statute of limitations) for victims and victims’ estates to make prosecutions.
 - v. Investigate the financial and economic implications for NSW Aboriginal communities of family disruptions caused by NSW Government “Stolen Generation” policies and legislation. For example the losses of child endowment, the loss of NSW Aboriginal Trust Funds, the loss of family tucker / rations vouchers for NSW Aboriginal families who had their children stolen from them which caused greater disadvantage and contributed to Aboriginal poverty and less intergenerational wealth today.
 - vi. Investigate the financial and economic contributions made by NSW Aboriginal children who were forced to work for NSW landowners and families as domestics and other kinds of servants.
 - vii. Provide pro-bono legal advice and counselling services and other needed resources for victims and victims’ estates to enable them to fairly participate in hearings and investigations of The Entity.
 - viii. Research, identify and understand the ongoing damage caused from NSW Government policies and practices to individuals, families and communities from the family disruptions and separations, the interventions and interruptions into parenting practices and consequent development of NSW Aboriginal misidentity and stolen identities, cultural dislocation, etc.
 - ix. Make recommendations for NSW Government policies and legislation to furnish reparation, rehabilitation, and other healing actions for NSW Stolen Generations.

⁵ As discussed in “Bring Them Home” Human Rights and Equal Opportunity Commission Report 1997

- x. Make recommendations to the NSW Government regarding how to review legislation, policies and practices to ensure the safety and wellbeing of Aboriginal children in the care of the State and entities funded by the State in the future.
 - xi. Make recommendations to the NSW Government regarding how to review legislation, policies and practices to ensure that NSW Aboriginal communities are not further traumatized by their relationships with NSW Government agencies today, but instead are strengthened (not weakened) by the continuing actions of the NSW Government.
- (c) That, as the first stage in a rehabilitation and reparation process, and informed by The Entity, the NSW Government apologise by letter to individuals identified by The Entity during the process recommended above, and in formal apology ceremonies conducted in Walgett and other affected NSW Aboriginal communities. During the apology ceremony:
- i. Senior representatives of the NSW Government shall identify and announce⁶ the names of all Aboriginal people associated with the community who were stolen.
 - ii. The NSW Government shall apologise to the Walgett Aboriginal community and acknowledge the wrongs and damage caused by specific policies and legislation.
 - iii. Representatives of all NSW Government agencies that act in Walgett (for example, police, juvenile justice, corrective services, health, education, child protection, welfare agencies etc), and the Walgett Shire Council, shall apologise on behalf of their agencies to the Stolen Generations and acknowledge the wrongs and damage caused by their agencies in the past, and identify reparations they will make, and what they shall do to ensure they will not retraumatise Aboriginal people in the communities they work in.
 - iv. A public memorial similar to those honouring war veterans, that recognises the names of each community's stolen children, shall be dedicated. This shall be a visible symbol, a permanent reminder for each community that finally the NSW Government acknowledges the Stolen Generations with seriousness and good faith. It shall also be a formal recognition of the suffering of the Stolen Generations in each community.
- (d) That the NSW Government supports the Aboriginal Community Controlled Health Sector and their expert partners to develop and implement evidence-based healing and rehabilitation strategies for the Stolen Generations, including those who are now in the criminal justice system. These strategies and therapies will include spiritual, mental and physical wellbeing for a variety of targeted age groups and cohorts. In recognition of the intergenerational trauma and other impacts on Stolen Generations, the strategies and therapies shall reach into all NSW schools with Aboriginal students.
- (e) That the NSW Government issue a Stolen Generations Health Care Card to individuals who were stolen from their families and their descendants in perpetuity - similar to the Department of Veterans Affairs Health Care Card which provides the holder with medication and a wider range of health services provided under Medicare with no gap fees charged. The Stolen Generations Health Care Card shall recognise that recipients deserve something that is inalienable as both a directly related mechanism to alleviate suffering and as a formal recognition of that suffering and sacrifice. The onus should not

⁶ Provided family permission is given

be on the Aboriginal person to provide evidence that their health issues are caused by them or their ancestor being stolen, as this would provide unnecessary blockages and retraumatisation. The Entity shall have researched the identities of all the Stolen Generation and so will issue these cards as a direct result of that research.

- (f) That the NSW Government create a Stolen Generations Reparation Fund, administered by The Entity from a Stolen Generation levy and other revenue raising initiatives including revenue from gambling, drug and alcohol taxes (which we argue accrue partially from Aboriginal community misery). These funds would provide capital that shall be invested responsibly to generate income that shall:
- i. Assist with the health care costs of the Stolen Generations Health Care Card.
 - ii. Provide compensation to victims whose cases are investigated by The Entity, and others who bring their case to The Entity, if their case for compensation cannot be provided under existing victims compensation funding .
 - iii. Provide interest-free loans to Stolen Generations, in recognition of the impediments that have prevented them from accruing intergenerational wealth and assets (such as homes and land assets), compared with most other NSW residents.
 - iv. Establish sustainable community enterprises and facilities proposed by affected NSW Aboriginal communities during formal processes with The Entity.
 - v. Support community-driven education programs to assist communities to recognise and acknowledge the damages they are living with as a result of the NSW Government's actions regarding the Stolen Generations. These education programs will use the evidence from The Entity's work and other evidence their communities have collected.
 - vi. Support tertiary education programs for service providers to assist professionals working in Aboriginal communities and with Aboriginal clients in health, education and criminal justice systems to familiarise and recognise the issue and its affects.
 - vii. Support long-term place-based (i.e. not short-term program-based) funding for community-driven initiatives for NSW Aboriginal youth, to address the ongoing damage caused by NSW Government practices regarding Stolen Generations, including the family disruptions and damaged parenting. These initiatives⁷ may include youth and children's refuges, student dormitories and homework centres, health and wellbeing activities, on-country agricultural and natural resource ranger activities, crime prevention activities, family reunion and community re-absorption support for those returning from jail and detention, supported youth accommodation, parenting supports.
 - viii. Support for the sustainability of the Walgett Aboriginal leadership⁸ including a secretariat, policy-development and operating costs to enable negotiations with the NSW Government during the reparation processes.

⁷ The Dharriwaa Elders Group developed a Plan for Walgett youth initiatives in 2004 – see <http://www.dharriwaaeldersgroup.org.au/images/downloads/youthplan.doc>. DEG would welcome the opportunity to revise and implement these initiatives in our community and believe that other NSW communities would like this opportunity also.

⁸ Currently the Walgett Gamilaraay Aboriginal Community Working Party.

- ix. Support long-term place-based funding for locally-controlled Aboriginal community Elders groups and the vital role they play to deliver cultural healing and cultural maintenance programs in their communities. This support for long-term cultural community reparation shall recognise the role of cultural maintenance for community wellbeing and compensate for the time lost in managing culture and country due to the removal of cultural knowledge and connections with country by the NSW Government's Stolen Generations policies and practices. It shall resource the undertaking of:
1. Urgent cultural knowledge (including language) recording, recording and mapping of information about significant places and events and best-practice digital archival activities so that these core resources are accessible for providing future cultural maintenance education resources.
 2. Urgent cultural education and maintenance activities led by Elders for a variety of targeted community age cohorts including culture camps on country, environmental and archaeological identification and mapping skills development, on-country cultural knowledge renewal and maintenance activities and the promotion/dissemination of the above to their communities via printed and on-line resources.
 3. Cultural Heritage protection and maintenance activities including advocacy, and ongoing management of sites of high conservation and Aboriginal Cultural Heritage value.
 4. High level ongoing negotiations, advocacy and training activities for/with natural resource, native title, child protection, family violence prevention, police and other agencies so that local governance is supported and guidance given for the NSW Government reparation efforts described herein.
 5. Networking with other NSW Aboriginal Elders, Aboriginal cultural organisations and collecting institutions to share resources and cost-effectively develop sustainable ongoing futures so that the place-based initiatives described above can be implemented effectively