



COMMONWEALTH OF AUSTRALIA

Official Committee Hansard

SENATE

LEGAL AND CONSTITUTIONAL REFERENCES COMMITTEE

Reference: Stolen generation

FRIDAY, 11 AUGUST 2000

DARWIN

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SENATE
LEGAL AND CONSTITUTIONAL REFERENCES COMMITTEE

Friday, 11 August 2000

Members: Senator McKiernan (*Chair*), Senators Coonan, Cooney, Greig, Ludwig and Payne

Substitute members: Senator Crossin for Senator Ludwig and Senator Ridgeway for Senator Greig

Participating members: Senators Abetz, Bartlett, Bolkus, Brown, Calvert, Chapman, Crane, Eggleston, Faulkner, Ferguson, Ferris, Gibson, Harradine, Knowles, Lightfoot, Mason, McGauran, Quirke, Stott Despoja, Tchen, Tierney and Watson

Senators in attendance: Senators Cooney, Crossin, McKiernan, Payne and Ridgeway

Terms of reference for the inquiry:

To inquire into, and report on:

- (1) The adequacy and effectiveness of the Government's response to the recommendations of the report, *Bringing Them Home*;
- (2) Appropriate ways for governments to implement a range of measures which will address restitution, identity, cultural, social, and education/information matters (please see Note below for full details);
- (3) Effective ways of implementing recommendations of the *Bringing Them Home* report including an examination of existing funding arrangements;
- (4) The impact of the Government's response to recommendations of the *Bringing Them Home* report, with particular reference to the consistency of this response with the aims of the Council for Aboriginal Reconciliation; and
- (5) The consistency of the Government's response to recommendations of the *Bringing Them Home* report with the hopes, aspirations and needs of members of the stolen generation and their descendants.

NOTE: This is the expanded detail of Item 2 above ⁽¹⁾, relating to the measures to be taken to deal with, or overcome, the adverse effects of removal.

- (b) after consultation and agreement with appropriate representatives of the stolen generations, to:
 - i) establish an alternative dispute resolution tribunal to assist members of the stolen generations by resolving claims for compensation through consultation, conciliation and negotiation, rather than adversarial litigation and, where appropriate and agreed to, deliver alternative forms of restitution, and
 - ii) set up processes and mechanisms, which are adequately funded, to:
 - (A) provide counselling,
 - (B) record the testimonies of members of the stolen generations,
 - (C) educate Australians about their history and current plight,
 - (D) help them to establish their ancestry and to access family reunion services, and
 - (E) help them to re-establish or rebuild their links to their culture, language and history.

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Committee met at 9.01 a.m.

CHAIR—I declare open this public hearing of the Senate Legal and Constitutional References Committee's inquiry into the stolen generation. On 24 November 1999 the Senate referred the following matters to the Senate Legal and Constitutional References Committee for inquiry and report by 5 October 2000: (1) the adequacy and effectiveness of the government's response to the recommendations of the report *Bringing them home*; (2) appropriate ways for governments to implement a range of measures which will address restitution, identity, cultural, social, and education/information matters; (3) effective ways of implementing recommendations of the *Bringing them home* report, including an examination of existing funding arrangements; (4) the impact of the government's response to recommendations of the *Bringing them home* report, with particular reference to the consistency of this response with the aims of the Council for Aboriginal Reconciliation; and (5) the consistency of the government's response to recommendations of the *Bringing them home* report with the hopes, aspirations and needs of members of the stolen generation and their descendants. The note to item (2) states:

(b) after consultation and agreement with appropriate representatives of the stolen generations, to:

i) establish an alternative dispute resolution tribunal to assist members of the stolen generations by resolving claims for compensation through consultation, conciliation and negotiation, rather than adversarial litigation and, where appropriate and agreed to, deliver alternative forms of restitution; and

ii) set up processes and mechanisms, which are adequately funded, to:

(A) provide counselling,

(B) record the testimonies of members of the stolen generations,

(C) educate Australians about their history and current plight,

(D) help them to establish their ancestry and to access family reunion services, and

(E) help them to re-establish or rebuild their links to their culture, language and history.

The committee invited a range of individuals and organisations to make submissions. It advertised the terms of reference in newspapers in all capital cities on 4 and 5 December 1999. This is the fifth of the committee's public hearings, the others having been held in Canberra, Sydney and Melbourne on 11, 12 and 13 July respectively and in Perth on 9 August. Further hearings will be held tomorrow in Darwin, and on 17, 18 and 31 August in Canberra. All witnesses are reminded of the notes they have received relating to parliamentary privilege and the protection of witnesses. Further copies are available from the secretariat.

The committee has been given a limited timeframe in which to consider and report on the terms of reference, which are quite specific in their instruction. The committee has received submissions that canvass matters which are outside or beyond the ambit of the committee. We regret that reporting requirements will prevent the committee embarking upon a larger or more detailed investigation of matters other than those contained in the terms of reference. In order to assist the committee in its deliberations, the committee requests witnesses bear this mind when they come to the table to give their evidence. I now welcome to the table representatives of the Office of Aboriginal Development of the Northern Territory government.

[9.09 a.m.]

BEADMAN, Mr Robert John, Chief Executive Officer, Office of Aboriginal Development.

WEIS, Ms Barbara, Manager Coordination and Research, Office of Aboriginal Development.

CHAIR—You will not be required to answer questions which seek opinions on matters of policy, reasons for policy decisions or advice you may have tendered in the formulation of policy. If necessary, the committee will allow you reasonable opportunity to refer questions to superior officers or to the minister. The Northern Territory government has lodged submission No. 64 with the committee. We have received that and thank you for that submission. We have authorised its publications. It is numbered 64 in our list of submissions. Are there any amendments or alterations to make to that submission?

Mr Beadman—No. That submission is the one we put before the Human Rights Commission inquiry. We felt it was still relevant today and perfectly adequate to put before your committee.

CHAIR—Thank you very much. I now invite you to make a short opening statement to the committee. At the conclusion of your remarks I will invite members of the committee to address questions to you.

Mr Beadman—It is appropriate to comment firstly on the enormous significance of today. I know from what you told me before the inquiry commenced this morning that it was a surprise to you that your hearings here in Darwin coincided with the bringing down of the Federal Court decision. That has resulted in a number of Aboriginal people coming to town for that event this afternoon. I cannot fully appreciate the enormity of that event for the people affected, but I can try. It is not only the litigants who must be under enormous duress but many hundreds or thousands of other people in the wider family groupings must be on a pinhead today, dwelling on the outcomes of 2 o'clock. Irrespective of which way that decision goes it is going to have dramatic effects on relationships between governments and Aboriginal people onwards into the future. Having said that, I guess the Territory submission is very much premised on the fact that as a body politic it did not exist during those times that these events occurred that you are inquiring into. Nevertheless, the Territory sees a duty to involve itself in the processes of implementing the recommendations of that report and it believes that it has done so. In particular from 1994 onwards when the first conference was mounted in the Territory, the Territory government was very supportive of the organising group. Those levels of support we believe have continued right through. We believe that certainly at officer level excellent relationships exist with the people affected. Indeed warm relationships exist. We are confident in appearing before you today to demonstrate the steps that we have taken to try and make the way forward easier for people.

CHAIR—Thank you very much. Ms Weis, do you have anything to say at this juncture?

Ms Weis—I have nothing more to say.

CHAIR—Thank you very much. Perhaps I will lead the questions and then call on my colleagues to follow up, I would like to start with some questions about the archives and records. We have got it on record that many of the records were destroyed in the cyclone of 1975. Are you aware of any other records of Aboriginal people of the stolen generation currently held in the Territory by church groups, missionaries or organisations such as that?

Mr Beadman—I personally am not aware but Barbara Weis has had closer dealings with the archives office and people.

Ms Weis—We understand that there are records held by churches. They would be records made by churches at the time that would be relevant. There were some records lost during the cyclone. That is across the board and well recognised. There are various holdings in the Northern Territory government—with NT Archives. The police records of the times have been maintained and these are accessible via the protocol for access to records of interest to stolen generation people.

CHAIR—Are you aware whether those records you have just mentioned have been indexed in accordance with what is happening at the National Archives?

Ms Weis—Yes, I understand that they are being indexed. It is a very large collection that we are talking about. They are being catalogued and placed on CD-ROM, which will mean that, instead of people leafing through original copies, they will be able to look through an electronic copy, thus further preserving the original documents.

CHAIR—Do you know if the archives task force have access to the records that are held by churches?

Ms Weis—I do not know the answer to that question.

CHAIR—Does the Northern Territory government or your office play any role in seeking to act as a coordinating body between the various groups?

Ms Weis—We have made it known that we would be prepared to take on that role if it was something that the Northern Territory stolen generation communities were interested in us doing. I understand that they have made direct approaches to the church groups.

CHAIR—In the Territory government's response to the HREOC report, reference is made to the development of a protocol for access to Northern Territory records by Aboriginal people researching their families. Do you know if this protocol has yet been developed and, if so, is it fully operational?

Ms Weis—Yes, we are very proud to say that it has not only been developed but it has been operational for a period of nearly three years. There is a committee that comprises Northern Territory stolen generation community group representatives and that meets with NT Archives to ensure that the protocol is working sufficiently. That meets on a formal basis three times a year. Informal representations are made to the principal archivist as needed, on a regular basis. So the protocol does work.

CHAIR—There is no freedom of information legislation in the Northern Territory. Do you know if the absence of freedom of information legislation is putting any barriers in the way of people accessing records or accessing historical data?

Mr Beadman—The protocol was designed to flatten any obstacles that were in the way of access by people to these archival records and I believe it has done just that. We have certainly not had drawn to our attention the fact that obstacles remain; certainly no dissatisfaction has been expressed to us by the stolen generation representative groups. So the question of FOI legislation becomes a bit academic when there are no obstacles, that we are aware of, to access at the present time.

CHAIR—Thank you.

Senator PAYNE—To follow on from the chair's questions in relation to documentation and access to records and to go to family tracing and reunion services, what contribution does the Northern Territory government make in terms of the administration of Link Up and similar operations?

Mr Beadman—Link Up has historically been funded by ATSIC, and that is still the case.

Senator PAYNE—Your submission says that the Territory makes a financial contribution and has well-established procedures for government liaison and communication with those agencies. I was just wondering if you could elaborate on that for me.

Mr Beadman—Perhaps Barbara can, but they are really questions for another arm of the Territory government. They are two child-care type bodies that provide an alternative mechanism to government officers dealing in those delicate areas of intervention where there is a belief that children are at risk. Do you want to elaborate, Barbara?

Ms Weis—The two bodies that Mr Beadman is referring to are based in Darwin and in Alice Springs. We are not aware of the precise dollar figures for this financial year, but I understand that there is a financial contribution. In addition to that, there are mechanisms within government, within the Territory health services department, designed to work with the people running those organisations to facilitate these link-up processes.

Senator CROSSIN—Mr Beadman, I must put on record and note that the Northern Territory government was one of only three governments that actually put in a submission to this inquiry. However, when we invited the ACT government to appear before us, the Chief Minister presented herself, with a number of people from other departments. Why is the Northern Territory Chief Minister not here today?

Mr Beadman—I would not attempt to answer that question, Senator. That ought to be directed to the Chief Minister.

Senator CROSSIN—Did he not send an apology?

Mr Beadman—Not via me.

Senator CROSSIN—Thank you. Your submission says that you do not believe ‘at this time.’ ‘At this time’ is a number of years ago, but I am assuming that that is still a position you hold. You say that there does not need to be a body that provides annual reports on the recommendations and the implementation of the recommendations. Is that still a view that you hold?

Mr Beadman—The Ministerial Council for Aboriginal and Torres Strait Islander Affairs has taken a role of that kind on itself. But to draw an analogy with the summit on deaths in custody, and looking at the reports that had been produced on implementation of recommendations at the Royal Commission into Aboriginal Deaths in Custody, we believe that the process replaced real work. If you look at the volumes of reports that have been accumulated over the years from every jurisdiction on the 339 recommendations, you had bevvies of public servants running dizzy trying to compile the voluminous accounts of purported action. But, of course, while the resources were being consumed by that process, the resources were not being directed at beneficial work for the people affected. I suppose that broadly describes our position in relation to yet another annual reporting process that is going to produce vast tomes that are of questionable practical value.

Senator CROSSIN—We have heard varying reports about the effectiveness of the meetings of MCATSIA. To your knowledge, how often have they met?

Mr Beadman—Twice a year, regularly, for many years.

Senator CROSSIN—What is your understanding of the progress of that group in monitoring the recommendations of the *Bringing them home* report? For example, does the Northern Territory minister responsible provide at each meeting a report of what is happening in the Territory or, in fact, bring back a report of what has been happening at a federal level?

Mr Beadman—It is both, but we have just moved to the adoption of this sort of approach by the MCATSIA forum. So, it is early days in the process of reporting on implementation of recommendations, as acknowledged by the fact that your committee is actively inquiring too at the present time.

Senator CROSSIN—We have heard varying reports that MCATSIA has failed to meet as regularly as you suggest and has not undertaken that sort of monitoring and reporting role that you are suggesting. We are hearing conflicting evidence about how effective MCATSIA is, and some people have put to us that that body is not effective.

Mr Beadman—MCATSIA met in Alice Springs in September last year. It met last month in Brisbane. It was to have met in Broome in April, and one of the reasons why that meeting fell away was the damage done to Broome by a cyclone. So, there have been two meetings in less than 12 months, with a third aborted partly because of the climatic conditions at the time. As for the value of work produced by the ministerial council, I do not know that that is a reasonable question of a public servant to form judgments about, the effectiveness of ministerial councils.

Senator CROSSIN—In your submission you make a statement, and you have maintained it consistently in your opening statement, that as a political body the Northern Territory did not

exist and therefore you believe that there is no need for your Chief Minister or this government to issue an apology, despite the fact that one of the recommendations of the *Bringing them home* report was a recommendation that each state and territory government issues that apology. Why is that still the position of the Northern Territory government?

Mr Beadman—Primarily because of the historical truth: you cannot apologise for something that predated your existence as an entity. The government has expressed extreme regret to the people and has put forward practical support measures. By contrast, there has been no real insistence that I am aware of by Aboriginal people in the Northern Territory that the Northern Territory government should apologise; rather, there has been an acknowledgment that these events predated the Northern Territory government and therefore an apology was inappropriate for that reason. You will hear from people in that group in the course of the next two days. Perhaps it is better that that question be asked then. In short, extreme regret has been expressed about events that predated the Northern Territory government.

Senator CROSSIN—Given the basis of your answer, the Commonwealth government in fact did exist during the period of time that is being discussed and in fact had direct responsibility for the Northern Territory, as opposed to evidence we have heard in other states that responsibility for Aboriginal people was under, for example, the Western Australian Welfare Act, as we heard yesterday. Given that the Northern Territory was a direct responsibility of the Commonwealth and that the Commonwealth government and parliament did exist during that time, is it your view that the Commonwealth parliament should apologise?

Mr Beadman—I do not know that that is a fair question to ask me.

Senator CROSSIN—Does the Northern Territory government have that view?

Mr Beadman—The Northern Territory government has not expressed a view, to my knowledge, about whether or not the Commonwealth should apologise.

Senator CROSSIN—In fact, you say in your submission:

In particular, the Chief Minister has stated that an apology and compensation are not appropriate.

Is that in terms of an apology and compensation not being appropriate for the Northern Territory Chief Minister to consider? Is that the interpretation I should put on that statement in your submission?

Mr Beadman—That is certainly the interpretation we put on it.

Senator CROSSIN—So you are telling me that the Northern Territory has never expressed a view about whether or not the current Commonwealth parliament should apologise to the stolen generation?

Mr Beadman—I have not combed *Hansard* or press releases to form a view as to whether that was explicit or implicit in the words of any of the Territory ministers. I simply have not done that research.

Senator CROSSIN—It is not a position they have passed on to you today in your briefing so that you can answer what would be, I think, a most obvious question from this committee?

Mr Beadman—No.

Senator CROSSIN—Finally, I want to ask you about reparations. On page 11 of your submission you again reiterate that you were not responsible for any actions; therefore you do not believe that any reparations are required. Is that on behalf of the Northern Territory government—and I acknowledge the assistance that you have given to the stolen generations?

Mr Beadman—There is a risk of hairsplitting here. When we say that we do not believe we are responsible for any reparation, we are talking about reparation in the form of compensation payments to individuals because of the historic reality that the Northern Territory body politic did not exist at the time. On the other hand, there is the question of reparation in terms of support services, acknowledgment of the pain and anguish, not only for people directly affected but for the extended families of those groups—the need for counselling, the need for mental welfare services, the need for better health services for those who might have suffered substance abuse as a consequence of the traumas that were involved.

In those broader terms of reparation, the Territory is certainly involved in a huge way, as it would be inescapably involved when looking at the reality that 28.5 per cent of the Territory's population is Aboriginal, and it is daily work for every Northern Territory government agency of one kind or another. It is very difficult to separate that work out from the other work that those agencies perform. Most certainly, in terms of practical support, grants to representative bodies and, in addition, the daily work of myriad Territory government agencies, there is support of every imaginable kind. So the comments that you read out apply in the context of compensation payments to individuals and the appropriateness of that from a government that did not exist at the time these events occurred.

Senator CROSSIN—There have been a lot of submissions put to us in this inquiry about an alternative mechanism not going through a court and litigation system, that there should in fact be set up some sort of tribunal, for example, which would look at compensation based on claims by people. Does the Northern Territory government have a view on whether that is a preferred way to go, rather than through the court system?

Mr Beadman—No, not to my knowledge, I guess for the same reasons that of all the jurisdictions we are in the blessed state of it having occurred before July 1978. We have not had to address the question and it would be presumptuous of us to try to tell other jurisdictions what they should do. Having said that, in other contexts the Territory government has not been terribly successful about getting its own regimes through the Senate.

Senator CROSSIN—So if you have a position that you do not want to tell other governments what to do, how effective then is MCATSIA in monitoring the recommendations as opposed to another body that may well be set up, even if they do not report on an annual basis but, say, three yearly? How effectively can they truly monitor whether or not the recommendations are being implemented, which ones are effective or whether they need

money? I do not understand. One minute you are saying you think MCATSIA is doing a fine job in monitoring the recommendations—

Mr Beadman—I did not say that. Do not put words in my mouth, Senator.

Senator CROSSIN—You did say, for example, that they are monitoring the recommendations of the *Bring them home* report. If the Northern Territory government takes a position, for example, that they do not believe they should be telling the Commonwealth what to do, how can you truly say that the monitoring of the recommendations is effective through MCATSIA?

Ms Weis—There is a working group which has been formed to report to MCATSIA regularly. We meet six monthly when we can and maintain link-ups via email and so forth in between times. The purpose of that working group is to establish a format of reporting that is going to meet the needs and interests of each of the jurisdictions that make up MCATSIA. I understand that the first comprehensive report will be printed in the next couple of months.

At the same time we are working towards an agreed set of reporting formats which will require each jurisdiction to report against a particular set of the recommendations in a way that is acceptable to each jurisdiction. So you may see the recommendations brought down by HREOC and then underneath each jurisdiction will provide its response against those recommendations. The idea is not to have one penultimate report that tries to synthesise the response from each jurisdiction, but rather that each jurisdiction be represented against those recommendations. That report would then be publicly available for all Australians to read and consider.

Senator CROSSIN—When you say recommendations, do you mean the recommendations of the *Bringing them home* report?

Ms Weis—Yes.

Senator CROSSIN—Does the Northern Territory government have a view about whether or not antigenocide legislation should be enacted by the Commonwealth, as recommended in the report? We have had a lot of evidence presented to us in submissions that that should now happen.

Mr Beadman—I am unaware of a formed view by the Territory government on that question.

Senator COONEY—There are a number of recommendations made in the *Bringing them home* report which involve action by the Council of Australian Governments. One illustration is recommendation 1. The report states:

Recommendation 1: That the Council of Australian Governments ensure the adequate funding of appropriate indigenous agencies ...

Do you know whether COAG has in fact met about these matters? You may not know that.

Mr Beadman—I do not know the answer, but these broader issues are certainly on the agenda for November. From where I sit, I am not normally involved in the agendas of COAG meetings.

Ms Weis—I have something to add. I understand that COAG had referred the matter to MCATSIA as the appropriate body.

Senator COONEY—I would be interested to know whether that is so. You would have read the recommendations, I take it. I was just looking at the recommendations before. Recommendation 11 is about the Council of Australian Governments. The report states:

Recommendation 15: That the Council of Australian Governments establish a joint National Compensation Fund.

There is a whole series of things. It may be a bit unfair to ask you but—

Mr Beadman—The Commonwealth drives that agenda, and I understand that you are taking evidence in Canberra in a week or two.

Senator COONEY—But you are not conscious of any action by COAG that has impinged upon the Northern Territory government?

Mr Beadman—No.

Senator COONEY—Would you be in a position to know that, or would there be somebody else in the government?

Mr Beadman—No, these COAG affairs are handled by premiers' and chief ministers' departments.

Senator COONEY—Could you find out during the day whether or not any action has been taken?

Mr Beadman—I could attempt to, but I think you are approaching the wrong jurisdiction. I would have thought that this was a set of questions that would properly be put to the Commonwealth.

Senator COONEY—So you are taking the view on behalf of your government that the questions I am asking are irrelevant to the Northern Territory government?

Mr Beadman—Not irrelevant but—

Senator COONEY—Can you answer that with a yes or no, please? It is pretty significant for me to know whether that is the position that the Northern Territory government is taking.

Mr Beadman—I did not say 'irrelevant', but the primary responsibility is with the Commonwealth government.

Senator COONEY—I think the Australian Capital Territory is taking quite a different position, but it might well be that the states and the Northern Territory are taking the position that all these recommendations are matters for the Commonwealth. I would be interested to know whether that was so. That is all I want to know.

Mr Beadman—I do not know, and I have not seen the submissions that have come from the other states.

Senator COONEY—There have been no submissions from the other states except from South Australia. That is one of the things that concern me. The Northern Territory has put in a submission for which it deserves considerable credit. But, just listening to the way you answer the questions, it seems to me that the government or at least the Public Service is not terribly conscious of any action being taken through COAG about this matter. Would I be right in assuming that?

Mr Beadman—I have pointed out that the agendas for COAG matters primarily originate from the Department of the Prime Minister and Cabinet, as I understand it, in conjunction or coordination with the premiers' and chief ministers' departments in the states and territories. I am in the Office of Aboriginal Development—another ministry entirely—and you are asking me questions about a ministerial council that I am just not online to.

Senator COONEY—Would it be fair of me to say that you and Ms Weis have come here today without any detailed knowledge of what COAG is doing?

Mr Beadman—Yes.

Senator COONEY—Would it be reasonable for me to say that you and Ms Weis have come here today without checking with the Chief Minister's Department as to what is happening with COAG?

Mr Beadman—Yes.

Ms Weis—Can I just add to that? The Northern Territory government's submission does state that it considers that these matters are primarily the responsibility of the Commonwealth to take the lead on as it is the—

Senator COONEY—Could I ask you if, during the day, you could get comments from the Chief Minister's Department about what it considers the significance of recommendations 1, 5A, 11, 15, 16A, 29B, 30A, 36, 37, 42, 43A and 44 is in these recommendations?

Mr Beadman—Would you repeat that?

Ms Weis—I think I know.

Senator COONEY—I will go through them again. Let us make them quite clear for you, Mr Beadman. These are recommendations of the *Bringing them home* report which was prepared by the Human Rights and Equal Opportunity Commission, which was then headed up by Justice

Wilson, as he used to be—now Sir Ronald Wilson. It was a report that was asked for by Michael Lavarch and given to Mr Williams. That is the report I am referring to, Mr Beadman. I shall give you a copy of it if it is any good to you. Would you like a copy?

Mr Beadman—We have it, Senator.

Senator COONEY—In that report—can you now listen to this carefully—there are recommendations 1, 5A, 11, 15, 16A, 29B, 30A, 36, 37, 42, 43A and 44. What I want to know—you might not have time or you might not be able to get to the Chief Minister's Department—is if you could ask them whether any of those issues have been dealt with by COAG or whether any government, this one or any other government, has raised those issues before COAG. They were recommendations which were made two or three years back now, perhaps longer than that, when this report was given to the present Attorney-General, Mr Williams. The answer may well be that the Northern Territory thinks that it is not involved in this matter with COAG. They might say that the matters that this report wanted COAG to do have been sent off to MCATSIA, but I would be very interested to know.

Mr Beadman—How do we get that information back to you, Mr Chairman?

Senator COONEY—This is Dr Pauline Moore. The address is the Senate Legal and Constitutional—

Mr Beadman—You said you wanted it today.

Senator COONEY—Yes, and she will be here all day in this room.

Mr Beadman—So we can come in and beckon her?

Senator COONEY—No, she will recognise you, Mr Beadman.

Mr Beadman—I might not come back. It might not be me who comes back.

Senator COONEY—When she recognises you she will come down because she is not a terrible woman; she is a nice woman.

CHAIR—Thank you, Mr Beadman. Senator Payne has some additional questions.

Senator PAYNE—I just wanted to get some information from you in relation to the Northern Territory liaison with organisations such as the Northern Territory stolen generation representative groups. What consultation and liaison occurs between the government and the representative groups for stolen generation communities in the Territory?

Ms Weis—We maintain informal networks at an individual officer level. Members of the extended stolen generation community work in our office. So some of us have familiar links. On a more formal note, when representations are made to the Northern Territory government, either through the Minister for Aboriginal Development or to the Chief Minister, our office would generally become involved in making recommendations to the ministers on those

representations to government, requesting perhaps funding or some form of assistance via the protocol or some other way. So there are both formal and informal networks that are maintained.

Senator PAYNE—Does the Northern Territory government provide any funds to any of the stolen generation Aboriginal groups in the Northern Territory?

Ms Weis—We do not provide ongoing funding; we generally provide specific grant funding. The most recent examples would be the provision of a total of \$30,000 for the employment of a community trust officer by the Northern Territory Stolen Generation Aboriginal Corporation in order for that corporation to form its community trust. Secondly, the Garden Point Association, which is another Northern Territory stolen generation group, recently held its 60th reunion conference, and the Northern Territory government provided substantial assistance for the hosting of that conference here in Darwin.

Senator PAYNE—If, after the completion of these hearings, any other areas come to mind where the government has links with or supports the stolen generation Aboriginal corporations, could you provide us with a response on notice? If any other issues come to mind where you do have continuing links or provide further support, could you provide us with more information on that?

Ms Weis—I heard only this morning actually that there is likely to be another representation made to us about some other issue to do with funding. Is it your intention—

Senator PAYNE—Yes. If you can alert us to that in as timely as possible a fashion, that would be helpful.

Senator RIDGEWAY—I have a few questions that I want to follow on from Senator Cooney and Senator Crossin. I am trying to work out some of these things in my mind. I note that in your submission you say that the Territory government does not support the establishment of an annual audit on a progress of implementation. Is there a particular reason for that? This is one of the things that we have asked a number of governments and government officers. Can you open that up to explain why you would not support that approach?

Mr Beadman—I attempted to draw an analogy with the annual reporting requirements on the recommendations of Deaths in Custody. I suppose, basically, our concern is that, for a limited outcome, it can become such an onerous and time consuming task and you have to question the value of it. We are more inclined to put our efforts into more constructive activity.

Senator RIDGEWAY—Just to follow on from that and one of the comments that Ms Weis made in relation to the working party that has been established and the possibility of looking at a format for reporting, are you aware that the Victorian government has essentially withdrawn or fallen off the table in terms of directing and driving the working party?

Ms Weis—I can speak to that. At the last meeting there was a decision made that ATSIC would take on the role of coordinating our efforts for the next period. I think the idea is that each jurisdiction take a turn at responsibility for that task. It was initially the Victorian

government that undertook it. ATSIC currently has that responsibility. I hope that answers your question.

Senator RIDGEWAY—The reason why I am raising the issue—and again drawing an analogy with the recommendations in the Royal Commission report looking at Aboriginal deaths in custody—is that one of the recent criticisms is that there is no reporting requirement upon state and territory governments and that that in itself—I am sure amongst many other things—has contributed to an increase in deaths in custody. In the context of this particular inquiry, are governments going to be committed to contributing reports, allowing themselves be open to scrutiny? Do you see any problems in relation to MCATSIA being the appropriate body? In relation to the working party, given that it has been two or three years since the inquiry was held, how long does it take before you actually get to a point where you have effective reporting mechanisms in place?

Mr Beadman—As for the increase in the number of deaths in custody or the number of people in custody, I think that primarily occurred whilst the comprehensive reporting regime was still in place. I do not think it is a consequence of the reporting having stopped. It reconfirms our view as to the effectiveness of such reporting when obviously, in the case of deaths in custody, it had no lessening impact on the numbers that people ought to be concerned about it. But to come at your question from the reverse side, as I understand my colleagues and my political masters there is an openness in the Territory. There is a concern about the effects on people and a keenness to do something to assist. If we can be convinced that some reporting process is going to keep us on our mettle and it would be more convincing to the outside world that we have approached this in a fair dinkum way, then I think we can be easily convinced that reporting is appropriate. At the moment, we believe it would consume effort and divert from more practical things.

Senator RIDGEWAY—That leads me to this question: do you believe that MCATSIA is the appropriate ministerial council, or should we be following the implementation recommendation, which refers to the Council of Australian Governments? Does this deserve higher treatment or higher status in terms of how seriously we respond to the issues?

Mr Beadman—It is probably again a difficult question to ask of somebody who serves a minister in MCATSIA, and I suppose it is a premature question as we have not yet seen what MCATSIA might be capable of doing. It is a serious issue; it is a national issue. It is an issue of consuming importance, and I think that will be revealed when work stops at 2.00 p.m. in the Northern Territory today when people are glued to their TVs and radios. Given that, perhaps there is an argument that it ought to consume governments at the highest levels. Perhaps the test is let us see where MCATSIA gets to on it—and be quite vigilant on that. If it is not working, then engage the interests of first ministers.

Senator RIDGEWAY—Maybe you are not able to answer this question: are you disturbed at all by the fact that, if we draw some sort of comparison, the government quite clearly accepted that this particular issue would be looked after by the Ministerial Council for Aboriginal and Torres Strait Islander Affairs, and yet an issue like the Centenary of Federation has been dealt with by the Council of Australian Governments and a working party has been established? Drawing some sort of an analogy, do you feel any sense of confusion about whether that should have been dealt with by a ministerial council dealing with environment and heritage? How do

you give weighting to this particular issue being sent off to a ministerial council when an inquiry by the Human Rights Commission suggested something else?

Mr Beadman—I see where you are coming from. In my mind, the stolen generations issue is more squarely, if you like, an issue for Aboriginal affairs ministers than the Centenary of Federation is an issue for environment and heritage ministers. As a knee-jerk response, I would think that the Centenary of Federation stuff is more broadly encompassing than simply environment and heritage, but that is a personal view. I can see the dilemma in your mind. You are asking: has the stolen generations issue been relegated to a relatively junior ministerial council—except for some jurisdictions where it is attached to premiers and chief ministers—as distinct from the Council of Australian Governments? It is a good question. But, no, I would have thought that this was squarely for MCATSIA—at least initially.

Senator RIDGEWAY—You are probably aware that the Council of Australian Governments has only ever dealt with two indigenous issues. One was native title following on from Mabo, and we all know what the outcome was there. The second was in relation to an improvement in the national commitment to coordinating services. But, since then, everything else has been relegated to—essentially, as you say—a junior ministerial council that seems to lack any teeth or influence in relation to what it is that all governments do across the country through the federal government. I wonder, in terms of your position as a Territorian government—and I notice in this submission that you put a lot of emphasis on ‘This is the Commonwealth’s responsibility’—wouldn’t it also be appropriate to be saying to the Commonwealth government that, in that context, they also should be dealing with the Council of Australian Governments because, if you are not saying that, then you are accepting responsibility and the question is an issue of who takes primary ownership and secondary ownership.

Mr Beadman—Conversely, I think a case can be made that the Council of Australian Governments tries to manage so many balls in the air at any one time that, if you put this issue there too, it might not get the level of attention that it gets through an Aboriginal affairs ministerial council.

Senator CROSSIN—Mr Beadman, going back to the reporting process through MCATSIA, in relation to recommendation No. 53 in the *Bringing them home* report—it goes to juvenile justice, and particularly a principle that indigenous children are not to be removed from their families and communities except in extraordinary circumstances—what advice does your minister provide, then, to MCATSIA in reporting on implementing these recommendations in relation to the Northern Territory’s mandatory sentencing laws and that recommendation I have just read out?

Mr Beadman—In relation to the child placement principle, I think history will show that the Territory was the first amongst jurisdictions to adopt the spirit and the practice envisaged in that arrangement, and has religiously followed those principles ever since. In terms of the mandatory sentencing question, I appreciate your efforts to link the two but I am not going to be drawn into that debate in this forum.

Senator CROSSIN—It is not my attempt to actually link the two. One of the recommendations of the report that is under inquiry by this committee specifically goes to

juvenile justice and in fact has at least 15 sub-rules attached to that recommendation. The issue that I read out about indigenous children not being removed is under rule 14, sentencing factors. In fact, I would have thought that this report links the issue of mandatory sentencing for juveniles and the compliance or implementation of the Northern Territory government's recommendation. So my question to you again is, what exactly is the Northern Territory minister saying when he goes to MCATSIA and they go through the recommendations—as you are suggesting, perhaps MCATSIA is the body that actually monitors these recommendations being implemented—in relation to what the Northern Territory is doing in relation to this rule 14 under sentencing factors?

Mr Beadman—It is interesting to look at statistics that compare jurisdictions in terms of the proportions of juveniles in incarceration and the proportions of adult people in incarceration, whether male or female. Some figures were produced at the MCATSIA meeting which, interestingly, revealed that the Territory's proportion of young people in incarceration is the lowest of all jurisdictions. So, try as some might to argue that mandatory sentencing is leading to another stolen generation, the statistical facts do not bear that out.

Moving on to the other two realities, the low numbers of male and female adults incarcerated in the Territory are about the third-best and the second-best of all jurisdictions. So mandatory sentencing is not putting excess numbers of adults into incarceration either. The sort of advice that the minister for Aboriginal affairs would provide to her colleagues, and did so at the MCATSIA meeting and at the joint meeting of MCATSIA and the Standing Committee of Attorneys-General, was to point to the success of the diversionary schemes the Territory has in place to keep youth out of incarceration, which has resulted in the low numbers of kids we have in there. I know the suicide death some months ago now was an extremely sad event—and it has led to an overflow of emotions in this debate—but the Territory just is not the ogre, as pointed out by some commentators, when you want to examine the statistical records.

Senator CROSSIN—Just to follow up my last question, is it not true that, in relation to this recommendation in the *Bringing them home* report, the Northern Territory government does in fact remove children from their families not in exceptional circumstances but for trivial matters?

Mr Beadman—It is not true.

Senator CROSSIN—Thank you.

Senator COONEY—Mr Chairman, it may help Mr Beadman answer my questions if he got this report and looked through it. Would that be of assistance to you, Mr Beadman? I would like to get it back this afternoon. This is one that you are a bit worried about.

Mr Beadman—No. Senator, you rattled off a dozen numbers in about 10 seconds—

Senator COONEY—That is why I wondered whether this would be of any help to you if I gave it to you.

Mr Beadman—No, we have got it. You rattled off 10 numbers in about 10 seconds and our writing just was not up to scratch.

Senator COONEY—I was going to write them out for you, Mr Beadman. You go away and see if you can help.

CHAIR—Mr Beadman has already offered to help. I want to conclude your session of this hearing by asking you a question with regard to recommendation 31(c), The International Transfer of Prisoners Bill. I note in the response to the report by the Northern Territory government that the Territory is firmly opposed to the transfer scheme. But in the covering letter forwarding the submission to the committee it is stated that ‘this government is presently drafting legislation to allow the Northern Territory to participate in the international transfer of prisoners scheme’. I welcome that. Is the change of attitude of the government motivated by the stolen generation report? Are there any stolen generation children or persons involved who brought about the change in policy?

Mr Beadman—I am unaware of people who originate from the Northern Territory being incarcerated in other countries.

CHAIR—Mr Beadman and Ms Weis, thank you very much for your attendance here. I should just make the point that we as a committee are very disappointed with the response to this inquiry by state governments in particular. The two Territory governments have both responded and have agreed to appear before the committee, and we are grateful for that. The only other state government that has responded is South Australia. The rest of the state governments have not responded to the inquiry and I think the inquiry is lacking because of that. I just want to put that on the record to show how appreciative we are of your attendance here today and the fact that the Northern Territory government has agreed to assist the committee in its deliberations. So you have our gratitude for our your attendance here this morning. We hope you will be able to give us the responses to the questions you have taken on notice as well.

Mr Beadman—Thank you.

Ms Weis—Thank you.

[10.00 a. m.]

CUMMINGS, Ms Barbara, Member, Stolen Generation Corporation, Chairperson, Retta Dixon Corporation and Deputy Chair, Yilli Rreung Regional Council, Aboriginal and Torres Strait Islander Commission

FURBER, Mr Harold James, Chairman, Central Australian Stolen Generations and Families Aboriginal Corporation

RYAN, Mr Maurie Japarte, Chairperson, Northern Territory Stolen Generations Aboriginal Corporation

STOREY, Mr Matthew, Lawyer, North Australian Aboriginal Legal Aid Service, Stolen Generations Litigation Unit

CHAIR—Welcome. Do you have any comments to make on the capacity in which you appear?

Mr Furber—I was removed from Central Australia at the age of four and sent to Croker Island off the west coast of Arnhem Land.

Mr Storey—I am here to support the two Aboriginal corporations in the presentation of their submission.

CHAIR—The committee received the joint submission lodged by both the stolen generation Aboriginal corporations. Thank you for that submission. We have published it and it is No. 54 in the list of submissions received for the inquiry. Are there any amendments or alterations that you wish to make to that submission?

Mr Storey—In opening, there is one thing that I would like to draw to the committee's attention. The submission suggests that during the presentations we will be making significant comment on a model for a reparations tribunal. The committee will, of course, be fully aware that at 2 o'clock this afternoon the Federal Court will be handing down its decision in relation to some common law claims for compensation. Given that development some hours after we present, the corporations would like the opportunity to review the decision in the Federal Court matter and make supplementary submissions to you regarding the reparations model. Obviously the two matters are closely related.

CHAIR—Thank you for that offer. We would appreciate it. The fact that the decision is being handed down today is of great interest to the members of the committee and to the inquiry as a whole. We will be adjourning our proceedings while the decision is being handed down, so we will lose a minimum amount of time. We are aware that the decision may have a major impact on the work of the inquiry. Your offer at this stage is much appreciated and we thank you in advance for that.

I invite you to now make an opening statement to the committee to speak to the submission. At the conclusion of your remarks I will invite members of the committee to address questions.

Mr Storey—I will make a statement on behalf of the corporations. The corporations see the implementation of the recommendations of the *Bringing them home* report as being able to be divided into three main categories. The first of those categories covers the recommendations that have not been addressed by governments at all. Prominent among these, of course, are the recommendations regarding the establishment of a reparations tribunal. As I noted in opening, however, at this stage we do not intend to address comments to the committee on that matter. We prefer to wait until the handing down of the Federal Court decision today.

The other aspect of the recommendations that we would like to concentrate on today is those recommendations addressed by government as part of the response package announced by Senator Herron. In relation to those recommendations, the corporations would like to draw attention to two aspects. The first is the quantum of funding delivered in the response package, purportedly to implement the recommendations. The second is the manner in which that funding has been administered—the manner in which the additional programs have been administered in delivery, purportedly, to members of the stolen generation in the Northern Territory.

Finally, the corporations would like to address a related issue which is those matters that were never addressed in the *Bringing them home* report at all. Primary amongst those matters that the corporations would like to raise is the absence from the *Bringing them home* report of any attempt to develop structures to allow for self-determination for the stolen generation communities themselves. The aspect of comments that the corporations would like to address on that point go to the need to develop structures to allow the stolen generation to have some control over their own community and some control over their own futures. As you may gather, Chair, those comments would be also stemming from the experience of the stolen generation's corporations in the administration of programs that were announced as part of the response package.

Mr Ryan—From what we looked at in the *Bringing them home* report, the Northern Territory Aboriginal corporations have been at the forefront of stolen generation issues in Australia. We also as a group went down to Canberra and lobbied the Senate for this inquiry. The main area, as I will say again, was the Northern Territory which was under the Commonwealth legislation of 1910. The Northern Territory was under the Commonwealth rule. In the *Bringing them home* report, which everybody has seen, there are over 55 recommendations. In it there is a component by the Commonwealth government for \$64 million which works out, all around Australia, to \$200 per Aboriginal and Islander child. There have not been any moneys allocated for funding the corporations. With a delegation, I approached Senator Herron and the Prime Minister of this country about this situation. He has discretionary powers to remove funding and I will say again, as the chairperson of the Northern Territory Stolen Generation Corporation, we have not received anything to date. A lot of the funds have been allocated to other existing agencies throughout Australia; none has come to the corporations.

Mr Storey—Following up from that, I think also some of these matters are addressed in the submission from the Iliyerrung regional council of ATSIC. For example, the programs that were part of the response package can briefly be divided into three types: those where the Commonwealth directly funded an agency—and the two agencies in question would be the National Library and the Australian Archives; those where the Commonwealth funded ATSIC

and the funds went to the Link Up services and the language centres; and those where the Commonwealth funded the Department of Health and Aged Care and the funds go to the ATSI health organisations. All of those funds went, as I said, to existing agencies. None of the funds went to stolen generation agencies. I think members of the corporations might like to relate to the committee how, in fact, the delivery of services by those existing agencies has not met the needs of the stolen generation community. Indeed, I have been most distressed to hear that at times the agencies that have been involved in the delivery of these services have got close to abusive to the stolen generation communities. This is the experience of the stolen generations as part of the response package.

As Mr Ryan said, obviously the quantum of funding is inadequate. Some of the calculations that I had in the Northern Territory indicated that, if the \$64 million were divided among the eight jurisdictions that make up Australia, there would be between \$120 and \$400 a head of extra funding over the four years—barely a significant amount. But even with that very limited funding, it would have been possible to make a real difference to the stolen generation community and yet the way the program funds have been allocated meant there has been absolutely no difference. In fact, from talking to some of my colleagues before we came in, I think there is a feeling that the position has actually got worse since the release of the response funds because of the experiences of the stolen generation communities and the existing program agencies.

Mr Furber—I will reiterate that in a couple of minutes, but I would just like to point out again, following up what Mr Ryan said, that the Northern Territory stolen generation people have a direct relationship with the Commonwealth because it was under Commonwealth legislation that we were removed and that the crimes were committed against us. We say that and we have formulated a number of strategies to redress that and also to seek justice. One of those is through litigation, and the outcome of the case of two of those will be this afternoon. We will continue litigation, I would assume, and the other strategies that we have in place, including calling for this inquiry.

It was the Northern Territory groups that went to Canberra and lobbied good senators, including Mr Ridgeway, to have this inquiry—and we thank you for it. By the same token, the people in Central Australia still cannot understand why the inquiry could not come there as you have a direct relationship with us. Kooris, Murris and other Aboriginal people were taken away by their state governments. We understand federalism. We understand the 1967 referendum. But we cannot understand why the inquiry could not come to Central Australia and see the conditions in which many of our people live. We are forced to continue the journey of removal from Central Australia into the Top End again, just to come here and sit before you. We are reminded of that almost on a daily basis. We have to continue coming up here to talk to inquiries, to the Territory government or whatever else. We think that it is about time that people actually came to our place, came to see the devastation that these policies have had and continue to have on our people in their home communities.

Having said that, the response by the Commonwealth has been atrocious. What little dollars they have made available have been inadequately allocated. Whether it was deliberate or not—and I suggest it was probably deliberate—to cause friction within the committee, it has. The bulk of the money went to the Commonwealth department of health and community services, which then filtered the money down through their systems. Some of the money also went to

then filtered the money down through their systems. Some of the money also went to ATSIC. ATSIC has an apparent transparency process whereby elections are held and so forth, but the dollars that were a result of the inquiry went to existing programs, particularly Link Up and the language programs.

Link Up is the only program that we have managed to have transferred in Central Australia from the original organisation or agency that was running it. We did that at a local level, in negotiations with the Central Australian child-care agency over 12 months, and we were able to get that program transferred over to the stolen generation. In the Top End that has not happened and I understand that in the current circumstances it is not going to happen. The Central Australian groups have attempted to intervene and try to attend mediation meetings so that that process can continue and so we can have an organised and coordinated approach to stolen generation issues across the Northern Territory. At the moment that is not possible. The Top End stolen generation people do not have a cent, as I understand it, to do anything.

Getting back to the allocation of the money through the department of health and community services, it has gone down through their systems and hit the organisations at the bottom, which are the health services and AMSAD. The stolen generation people have not been involved in the planning and implementation or even had involvement in the counselling services. From our committee meetings in Central Australia over a number of years we have not been able to identify one person who has taken advantage of that counselling service that was presumably put in place for our benefit—not one person that is involved with our committee. That is why we say that what has happened through this process is the alienation and the compounding of the problem. Instead of a government sitting in front of us with the doors closed, what we have is almost our own organisation sitting there with their door closed saying, ‘You cannot enter. Go away. What is your problem?’

We need some counselling. That is what we are here for. That is our problem. We want to develop a counselling service. I saw a real need to have a counselling service for the court case this afternoon in central Australia. I had to put together a counselling service. We did it through volunteers. Yet there was funding there for organisations to do it. We pulled in volunteers to provide the counselling service for the litigants and the witnesses. That is one way we have had to do it. We are still waiting to use that model that was put together from a court case which had the imprimatur of experts from South Africa who were involved in the Truth and Justice Commission and also the counselling service for the Kosovar refugees when they returned. They said that that was a model that seemed suitable for us, but we have not been able to move that model along. It is just an indication of the programs that are supposed to be for our benefit not being a benefit at all but actually compounding the problem.

CHAIR—We have expressed regret that the committee was not able to go to Alice Springs. There are many other places in Australia that we would have appreciated being able to go to in order to collect evidence for this inquiry. It is very difficult to get all the members of the committee together at one time because we have different demands on us as individuals within our own constituencies, our own states, but there is also our service on other committees. We are meeting on a Saturday morning for that very reason—because we are together in one place. Next week while the Senate is sitting we will be taking evidence from outback Western Australia through video and other electronic means. We are doing the best we can and we are

appreciative of your coming from Alice to assist us in our deliberations today. We would have liked to go to Alice, believe you me, but it just was not possible. We did go on the mandatory sentencing into Alice Springs. Ms Cummings, do you have anything to say to the committee at this point?

Ms B. Cummings—There were four major arguments that we had over the last couple of years when the recommendations were handed down and the response to those recommendations. One was the language money. There were many statements about the fact that the language money allocated by ATSIC went to the language centres that have no involvement with the stolen generations. It was our argument throughout the inquiry process that we had lost our language and there was no process whereby we could learn our language.

The other argument was about the link up process and reunion money. We did a lot of hard work over the last five or six years. We were at the forefront of all the debates. ATSIC gave the dollars to the existing Link Up program. At no time has that Link Up program tried to negotiate with us a transfer arrangement or involve us in the existing program. As one who did the research on the displacement of Aboriginal children, I do not believe in the statistics that they hold that they have a greater amount maybe for those who were fostered and adopted. I believe that the stolen generation people represent 99 per cent of the link up population. We have been totally ignored. This does not provide a process of empowerment. We decided that because we are distinct institutional groups in the Northern Territory we should have our own worker. We have a separate history from other groups and so forth. The current system does not provide that. There has been no invitation from that service to try and create something that will suit all parties.

As for medical services, at No. 3, in the early days we agreed that the Aboriginal Medical Service could take the funding. However, it was supposed to put up an advisory body to include us in the process of distribution and of designing the program. That has not happened. When I did go to one particular meeting, the President of the Danila Dilba Association, who is the director of KARU, insisted that he was the link up contact. So there was no point in us staying and we left. I am not sure whether that process continues. The final one is at No. 4, the National Library Oral History Project. We totally object to that allocation. We are plaintiffs. We do not agree that the Commonwealth government should have copies of our oral history; that is, we have always believed that oral history is a healing process, that it belongs to us and that, if we are going to house it, we will house it in this state and not in Canberra.

CHAIR—Thanks very much.

Mr Ryan—While we are talking here, I must say that the Danila Dilba services in Darwin have had counsellors readily available here, which is very important to both our clients and members of the stolen generation here in Darwin. People do need this. They have been of great service to us in Darwin.

CHAIR—Thank you. A previous witness from Northern Territory government, Mr Beadman, has now responded to the question Senator Cooney put on notice to him. I will read this into the record, because it is a timely response. It says that COAG—the Council of Australian Governments—‘hasn’t met since August 1997’, so it has not addressed any of the stolen

generation recommendations raised by Senator Cooney. This is signed by Mr Beadman with today's date.

Ms Cummings, you concluded your remarks by talking about the records—holding those records here in the Northern Territory, rather than being collected at a central place by the National Library and being held in Canberra.

Ms B. Cummings—That is an oral history project.

CHAIR—So oral history, rather than national records?

Ms B. Cummings—It is an oral history project that was given, I think, \$1.3 million through an allocation to the National Library.

Mr Storey—Senator, Ms Cummings made reference to the language initiative. I think that it is a useful example of the point that one is trying to get across here. The language initiative in the Northern Territory was allocated half a million dollars over 1998-99. Essentially, that program expanded an existing program, which was the language maintenance program, which had annual program funds in the northern zone of about \$50,000. If one looks at the areas that were meant to be given priority for the funding, one sees that five are identified—endangered languages, feasibility studies and strategic planning, archives development and management, publication and broadcast; and some capital assistance programs.

Of the half a million dollars that have been allocated, my understanding is that the money has been reasonably equally divided, with funds going to the Batchelor College of Indigenous Tertiary Education, which has done some excellent work on linguistics and preserving endangered languages. Another large portion of the funds has been allocated to the Institute of Aboriginal Development, which does similar work, and I understand that some funds were allocated to the Katherine Language Centre. All of these organisations do excellent work. The problem is that, if you look through the criteria for the language maintenance program, you will see there are two passing references to the idea that the programs that are funded should be supported or serve the needs of stolen generations.

I have worked with stolen generations organisations for close to five years. To my knowledge, the only organisation that has had any relationship with the stolen generations body was the Katherine Centre, which has, after they have already received the allocation, decided to assist the stolen generations organisation in another application under a different program. One of the members of the stolen generations that I consulted in preparing part of the submission had a Tiwi family, yet there is nowhere in Darwin where she could learn Tiwi. In fact, there is nowhere in Darwin where a member of the stolen generations can learn any indigenous language at anything less than undergraduate level. You then have to enrol in a bachelor course at the NTU and you will learn Yolgnu, the language from north-east Arnhem Land, which is probably the area least affected by the stolen generations. You can't learn Tiwi, you can't learn Pitjantjatjara, you can't learn Arrrente, because those languages are not considered endangered; thus they are not eligible for funding under the language program. Yet those are the language groups that the majority of people that were removed were taken from.

That whole conundrum has not been considered—I think essentially by ATSIC at the Canberra level, not at the regional office level—in the development of the programs. It is a perfect example of how funds that have been allocated under a response package have expanded existing programs. I am not suggesting that they are not very worthy programs; certainly they are, and I have got nothing against them. It is just that they are not addressing the needs of the specific community that the funds were meant to address.

CHAIR—Mr Ryan, you wanted to add something.

Mr Ryan—Just following on from what Matthew said, there are some documents here, which I can make available to the committee, which show where a lot of this money was allocated. It has gone to a lot of places. It also props up existing languages. My view would be that this money was set aside so that Aboriginal people who were removed by this policy could learn a language. My first language was Gurindji. Now it is English. These other people who are here would like to be able to speak their language, or have their children learn it. But at this time, if you look at this document, you will find that over \$50,000 has gone to existing places. It has not gone to where people in this town or anywhere else can go and learn this.

We have brought all these cases regarding problems—whether it is language, returning to country, Link Up moneys, \$64 million—where the Northern Territory people have been at the forefront and we are being pushed aside. We want a bit of honesty. We want to say, on behalf of these people to whom the moneys have gone, that they can be accountable to us. All the way through, let us be in the process. Everybody knows that there is a case on this afternoon which affects everybody here. There are a lot of things that will come in. You will see the rest of us here in other areas with our own institutions speaking this afternoon. All I am saying is that we really have to look at this matter. This is a big problem. It is part of Australia's history. Stop this denial that this ever happened.

CHAIR—With respect to the \$1.6 million to the oral history project by the National Library of Australia, do you think the National Library is the appropriate body to undertake this matter?

Ms B. Cummings—No, certainly not.

CHAIR—Who would be?

Ms B. Cummings—The state governments and our own institutions in some sort of collaborative agreement.

CHAIR—When you say the state governments, do you mean the Northern Territory government in this respect?

Ms B. Cummings—Yes, that is right.

CHAIR—The Northern Territory government, in their response to the *Bringing them home* report, say—and I paraphrase what has been said—that they are not going to accept responsibility for matters that occurred prior to the Territory coming into existence as a territory. So how would you address that conundrum?

Ms B. Cummings—In my view, they are quite right. They were not responsible for the many years we were under Commonwealth rule. Usually when we wish to develop a project that may not be specifically NT government design or whatever, the NT government is very responsive in assisting us in finding resources or in-kind support to develop those projects. I do not have a problem with the fact that, if I wanted to do an oral history project, the Office of Aboriginal Development would again assist us.

CHAIR—I am not sure I have got an answer to the question that I asked about the collection and oral history. You are saying that the Territory should do it?

Ms B. Cummings—Yes, I think it should be within each state. It should not belong to the National Library of Australia.

CHAIR—Aren't there some dangers in that because you would end up with a dog's breakfast like we did at one time with the railways when there were different systems for different states and different territories.

Mr Storey—As I recall, Ms Cummings originally suggested that the Territory government and the appropriate stolen generations organisations be involved in the oral history project. When you look at the specifics of the experience in the Northern Territory, the Northern Territory state library has had a quite successful oral history project running for a while. I think Ms Cummings is suggesting that her experience of working with the Northern Territory government would suggest that with assistance from, for example that state library oral history project, the stolen generations organisations would be in a position, with regard to the oral histories and members of the stolen generations, to organise it themselves. However, the stolen generations organisations had no working relationship previously with the National Library. In fact, since the National Library was funded for \$1.3 million, as far as I can ascertain, no-one in the Northern Territory has seen them. That absence of a working a relationship would not facilitate the passing of the skills to the stolen generations organisations themselves.

Senator CROSSIN—We have heard evidence of people from Sydney who were removed to Adelaide, or from Perth who ended up in Brisbane. I note the inadequacies you raise about the National Library, and staff there, and the appropriateness of what they do. Given that there were stolen generation people who traversed this country under those policies, why would you not have oral histories placed in one national collection point so that everyone around the country would know that that was where they could at least go? Under your model, someone in Perth would have to go to maybe two or three different state or territory libraries if they were looking for something.

Ms B. Cummings—For us, oral history was all part of a healing process. It was not a thing to design to give to the general public. We are plaintiffs in court. It concerns us that the National Library is doing this oral history project. They can continue to try to convince us that it is safe and so forth, but that is not the point. My story should belong in the Northern Territory, not in Canberra or in any other state.

Mr Storey—Senator, I think your comment raises one of the issues that is relevant to many of the archive recommendations coming out of the *Bringing them home* report and the Northern

Territory as well. In fact, access to archives is one of the areas where significant progress has been made. Access to archives over the last three or so years has significantly improved. One of the big problems is that, while access to archives at the Darwin repository is excellent, it is still very difficult to get to if you are in Alice Springs.

Your question raises the problem of somebody in Perth who might have been removed from the Northern Territory. I would suggest the way to overcome that is an innovative means of accessing records—that is, catalogues—rather than physically appearing at the spot. Your hypothetical person in Perth would still have to get to Canberra to get to the National Library. A better mechanism—and one we have been exploring with Archives, which have quite a good reputation for employing indigenous people and consulting properly—would be the name index that has been developed as part of the *Bringing them home* report, making the name index available online. That means somebody in Alice Springs can search the index and at least know before they undertake the expense and time of travel to Darwin that there is something worth travelling there for or, arguably, have the document digitally transmitted to Alice. Those sorts of mechanisms overcome the problem of interstate removal, rather than having everything in Canberra.

Senator PAYNE—I just would like to clarify and see if I understand correctly your criticisms of the funding as it has been allocated so far. As I understand it, the criticisms from the stolen generation corporations are that the funding has been allocated to existing organisations, both indigenous and otherwise, and that there is a preference from your organisations that it should be allocated to stolen generation organisations specifically. Is that correct?

Mr Storey—That is correct, Chair, and Mr Furber was just noting to me it is not necessarily a criticism. It is what happened. The criticism arises in the way that the services have been delivered or failed to be delivered.

Senator PAYNE—That in fact goes to my next question which is that if the allocation of the services was in your view better targeted—that is if it achieved its aim of supporting stolen generation people whether in counselling or in oral history recording or all of the issues that you have discussed this morning—then it would be all right that it is delivered by those services, but your concern is that it is not reaching its targets?

Mr Storey—Senator, your question brings me to the final point, or the last set of the issues I wanted to raise with the committee; that is, those matters that were not addressed in the *Bringing them home* report at all. If I can, I will have a fairly lengthy prelude before I get to the specifics of your question—but not too lengthy.

Senator, one of the main criticisms of the *Bringing them home* report was that it failed to identify the stolen generations community as certainly part of the Aboriginal community but a discrete part of the Aboriginal community, with its own experiences, its own histories and very much its own traditions and culture, stemming from the experience of removal. That is not to suggest in any way that the stolen generations community is not part of the Aboriginal community. Clearly it is—it was the Aboriginality of the stolen generations that led to their removal in the first place. However, if you look through the *Bringing them home* recommendations, inevitably the recommendations will suggest that the indigenous community

be consulted, that ATSIC be consulted and that appropriate indigenous organisations be consulted.

There was a strong feeling coming across, I think, in the *Bringing them home* report—and I think this came from the way that the class of the stolen generations was analysed—that stolen generations equated to indigenous and that therefore, by addressing indigenous concerns, stolen generation concerns would be addressed. I think this underlies the problem with a lot of the funding flowing to existing indigenous organisations.

One of the things the stolen generations, in both the corporations and various other forms, desire to emphasise is both their Aboriginality and their discreteness, such that members of the stolen generations have particular concerns—they are a distinct community. As a distinct community, one of the important aspects in developing that community is some form of empowerment, some form of self determination, and so, getting to the direct answer to your question, it might be that—to use the language program example I was using before—if the existing language centres more appropriately targeted their services to allow the individual I was talking about before to learn Tiwi in Darwin, that would help. But, as I understand it, there is a strong feeling from within the stolen generations community that it would be better if that funding went to a stolen generations organisation to allow the community themselves to determine what was the best mechanism for instituting some form of reparation.

If I could explain that by a further analogy, I remember speaking to a stolen generations person from Canberra shortly after Ron Wilson brought down his report and we were discussing the memorial aspect—the *Bringing them home* report suggested that there should be memorials established at the institutions—and she commented to me, ‘Well, that might be nice for some people, but frankly I would like to bloody bulldoze it and put a car park where my institution was.’

The point I am making is that the responses from the stolen generations differ with the views of the community. What *Bringing them home* attempted to do was, to use a term I think I used in another submission, ‘pan-Aboriginalise’ the issue. It is important to appreciate that the responses that are appropriate must be developed from within the community. This is the basis of self-determination, which is of course meant to be the basis of indigenous affairs policy in this country today. It is important to recognise that, because of the distinctness of that stolen generations community, self-determination cannot be seen at a pan-Aboriginal level; it has got to come from within the community itself. And for that reason, getting back to the question again, while it might be better to have a more sympathetic language centre developing the programs—it would be better than the existing situation—the best possible solution would be using the very limited funds that are available to fund a stolen generation organisation to do the work themselves.

Senator PAYNE—Isn’t there potential—and I emphasise that I am only talking about ‘potential’—if you do that to reinvent the wheel, essentially? Organisations are already in place which have skills, particular sets of capacities, to implement programs. If those programs become properly targeted—and that is a lot of what Mr Furber, Mr Ryan and Ms Cummings were talking about—then you are not reinventing the wheel and you are achieving the delivery

that you are after. Isn't there potential for reinventing the wheel if you then ask the stolen generations organisations to deliver the services?

Mr Storey—It is an interesting point, isn't it? To follow the analogy, one might then question: why haven't Aboriginal medical services—

Senator PAYNE—There are lots of analogies running simultaneously here, I suspect.

Mr Storey—rather than risking reinventing the wheel. The other risk is, of course, that the funds are completely wasted, which is the situation happening now.

Senator PAYNE—And that obviously concerns me and concerns members of the committee. For example, Mr Furber referred to access to counselling and, I think, said on the record that, as far as he is aware, nobody in his area of Central Australia from the stolen generations has had access to the specific counsellors that have been put in place under the Department of Health and Aged Care funding. Is that the case?

Mr Furber—What I said was that nobody who has attended the Central Australia stolen generation meetings—and it has been raised on a number of occasions, including when putting our submission up and when we were doing our strategic planning process—was able to say that they had attended counselling at the service that was provided for us. I guess there could be people, but we don't know. Nobody who is actively involved in the Central Australia stolen generation group knows anybody that has attended.

Senator PAYNE—So we would need to ask the counselling services what sort of clientele they have?

Mr Furber—I would suggest you would have to. We don't know. That is the point I am trying to make. As far as reinventing the wheel is concerned, some of us are aware that we do not really want to do that; we want the service provided. If that is what the service is supposed to do, it ought to do it.

Senator PAYNE—I understand that, and that is the point I was trying to make. If the services did their job—

Mr Furber—The other point I wanted to make—these things are sensitive; I do not want to be misunderstood—

Senator PAYNE—I certainly finished being sensitive a long time ago. I work in politics, so—

Mr Furber—is about the issue of Aboriginality. Mr Storey has just referred to it: that people were removed because they were Aboriginal. In the Northern Territory they were removed because they had white blood.

Senator PAYNE—We had evidence—very compelling evidence—on exactly that point in Perth this week.

Mr Furber—I hope you understand what I am saying.

Senator PAYNE—I do understand exactly what you are saying from evidence that has been given to us.

Mr Furber—I do not want to offend our relations or anything whereby people were picked up and taken not because they were Aboriginal but because they had white blood.

Senator PAYNE—I understand that. We have had some compelling submissions—as I said, in Perth in particular—on that point.

Mr Furber—So that issue that Mr Storey was referring to about the appropriateness of various services needs to be considered in that context.

Senator PAYNE—Thank you very much.

Senator COONEY—You have raised a vital point which I do not think has been raised—in any event in the way you have done it—so far. I was just looking at the recommendations. And this is the point about who exactly we are looking to deal with in the recommendations. I would like your views on a couple of these things. And apropos what Mr Furber says, I think it leads on from there. I do not know whether you have considered this. I take you to recommendations 21 and 22A, to start off with. Recommendation 21 says:

No records relating to indigenous individuals, families or communities—

As you start to read this, you think, ‘That’s right, that’s what you would expect.’ But it continues:

or to any children, indigenous or otherwise, removed from their family for any reason, whether held by government or non-government agencies, be destroyed.

So it is a recommendation that goes beyond the indigenous community into the community generally. Recommendation 22A says:

That all government record agencies be funded as a matter of urgency by the relevant government to preserve and index records relating to indigenous individuals, families and/or communities and records relating to all children, indigenous or otherwise, removed from their family for any reason.

Recommendation 22B is that indexes and other finding aids be developed and managed in a way that protects the privacy of individuals and in particular prevents the compilation of dossiers. Do you have any thoughts about those recommendations?

Mr Storey—I had some involvement with the law reform committee’s work on the archives reference, so I have had quite a deal of thought about records. I would understand the basis of the Human Rights Commission recommendation there perhaps slightly wider than some of the criticisms I was focusing on before, and I can point to a number of recommendations that would support those criticisms. In this case, though, I think the Human Rights Commission is

recommending reference to indigenous per se because if a member of the stolen generations is trying to locate their family then that requires the connection back to the indigenous community.

Senator COONEY—It is indigenous or otherwise; it is all families.

Mr Storey—I am coming to the non-indigenous part. So, for example, in the Northern Territory the patrol officers' journals provide a wealth of information because they are talking about the white men who wandered round the communities and basically started counting names, who was who and who were their children. Of course, that provides the archival data that allows an individual to locate their indigenous family, on a remote community generally.

As to all individuals, part of the process of removal and part of the process of de-Aboriginalisation which was inherent in the stolen generations policies of governments was exactly that: to attempt to remove somebody's Aboriginality culturally. That would involve often sending somebody out of jurisdiction and effectively denying their Aboriginality. Thus I would understand that the Human Rights Commission there is suggesting, still relevant to the matter of the stolen generations, that it is unsafe to destroy any record relating to children because they might relate to an indigenous individual who in fact is not referred to as indigenous in the record. By example, if somebody is removed from the Northern Territory, from a community, you might find reference to that fact in the patrol officer's journal. They might then be sent down to Victoria. If the individual was relatively fair, the Victorian authorities might try and pass them off as a non-Aboriginal child and they would be entered into the Victorian welfare books with no reference to their being indigenous. So, if you start destroying records relating to any child removed, it is possible you are destroying records relating to an indigenous child without realising it.

Senator COONEY—But then it says removed from their family for any reason, whether indigenous or otherwise, relating to all children. That would seem to encompass everybody that had been removed, no matter for what reason.

Mr Storey—It might be something best addressed to the Human Rights Commission. I had always understood that recommendation to be that it is better to err on the side of safety and not destroy anything.

Senator COONEY—I want to ask about 43A and 43C, which you have referred to in your submission. This seems to be getting near a recommendation that there be a special group set up to meet the situation you are faced with, the things that Mr Ryan, Mr Furber and Ms Cummings were talking about. I do not think it quite gets there, but it seems to be getting somewhere near the issue of autonomy and self-determination for particular communities. It probably does not go far enough to meet what you are asking, but have you had any thoughts about that, or would you like to have a look at that?

Mr Storey—Mr Chair, can I just clarify. Which recommendation was that?

CHAIR—'Self-determination', recommendations 43a, 43b and 43c.

Mr Storey—I think Mr Furber has a comment he would like to make and then I might respond.

Mr Furber—The Central Australian Stolen Generations and Families Aboriginal Corporation, both in the Top End and in Central Australia, believe we have got the majority of Aboriginal people across the Territory supporting us. For example, the combined ATSIC regions across the Northern Territory passed resolutions—and I guess it relates to that—which call for the Northern Territory stolen generations to be consulted and involved in all programs provided by the Commonwealth government as a result of the *Bringing them home* report recommendations and all issues affecting stolen generation people in the Northern Territory. They further resolved that the Stolen Generation Litigation Unit be supported in every way to achieve legal and moral victory for the stolen generation. That was passed by all the regional councils across the Northern Territory.

Senator COONEY—Did you do that in consultation with the Aboriginal and Torres Strait Islander Commissioner, the Aboriginal and Torres Strait Islander Social Justice Commissioner, the Secretariat of the National Aboriginal Islander Care and the National Aboriginal and Islander Legal Service Secretariat?

Mr Storey—Senator, recommendation 2c says:

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 Aboriginal 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).

Of those organisations, the only organisation that has never been funded by ATSIC is the Stolen Generations National Secretariat.

Senator COONEY—It seems to me that recommendations 43a, 43b and 43c give some autonomy to a body outside those groups. Do you follow? If you read recommendation 43a, it says that COAG ought to negotiate with those bodies to set up some national legislative scheme which sets:

... a framework for negotiations at community and regional levels for the implementation of self-determination in relation to the well-being of Indigenous children and young people (national framework legislation).

I think what it is saying is that there ought to be some special agreements made so that children can be looked after. Nevertheless, it has got this concept, I think, of a separate jurisdiction to look after children. And this is what you were saying. The report does not seem to go so far as to say that ought also be applicable to the stolen generations.

Mr Storey—Certainly it does, Senator. And within the framework of the van Boven reparation model, this recommendation 43 would go into the notion of guarantees of non-repetition. If one places it within the van Boven reparation model, and not just learning from history as to how to conduct indigenous child welfare affairs in the future, within the notion of a van Boven reparation against guarantees of non-repetition there would be a role, I would suggest, even within that framework, for participation from those people that were affected by

the past indigenous child welfare policies to make sure that the same mistakes did not happen again. And yet, within this, 43a, the Human Rights Commission—and I am not suggesting that they are not well intentioned—have denied, again, the place for those affected to have an independent voice. It is presumed the voice is going to come through ATSIC.

Senator COONEY—I think this is pointing out that this is the closest it comes to what you are looking for, and it does not reach what you want. You want that sort of principle, but extended backwards rather than forwards. That is what you are saying. It is not as if you are going to have a group that is going to take jurisdiction, as it were, by war. But after negotiations, you would have a jurisdiction where the stolen generation could look after their own affairs, to some extent. Is that the sort of thing you want?

Mr Ryan—In international law, the term ‘self-determination’ has teeth. All these other buzz words that are being used by ATSIC and DAA have no meaning. Self-determination is exactly that; we self-determine what we want. This is the only term I want to hear.

Senator COONEY—I wonder why the writers of the report were happy enough to have it done in terms of people in the future but not in the past, which is what you wanted. The concept or the idea is there. It is just that the report has taken it forward rather than back. I was wondering whether anybody made any inquiries of the people who prepared the report as to why they had not extended the principle back.

Mr Storey—I know from my own involvement that representations were made to HREOC on the matter. As to why they did not do that, I am afraid I cannot answer.

Senator COONEY—It is interesting though, isn’t it? HREOC is quite happy to take the concept but apparently not content to extend it back.

Mr Storey—It may be that it goes in part to HREOC’s definition of the victims of the gross violation of human rights that they identified, which included the concept of the indigenous community. While the stolen generations would recognise that the indigenous community from which people were taken may have suffered damage, the nature of that damage is quite distinct from that suffered by those who were themselves removed and their descendants. This is where you start achieving the notion of identifiable community, based around the experience of removal.

Senator COONEY—I will get back to Mr Furber’s point. He said, ‘There are two races involved’, meaning absolutely no offence to anyone and just as a matter of historical reality, and that is it. You have got to take care of—as I understand what Mr Furber was saying—historical reality and accommodate what has happened. That is how I understand you are putting it, Mr Furber.

Mr Furber—We keep hearing about aboriginality, which is fine—we are indigenous people. That is not the issue. The issue is that we seem to have gone off the track and forgotten that we were removed not necessarily because we were indigenous but because we were supposed to have had white blood.

Senator COONEY—This has raised different problems and different issues for the group who were removed, as distinct from the people who were not?

Mr Furber—To a certain extent, that is right, and another community developed. I do not want to harp on the policy—

Senator COONEY—I think Ms Cummings would say that on most issues there is great commonality but there are certain vital issues that you have to look at in terms of the reality of history.

Ms B. Cummings—That is right.

Mr Ryan—On some of those issues you are relating to, you were removed because of the colour of your skin and you lost your culture and your access to your family, your extended family and your country. Then you were removed to another place; some of us were moved interstate. We lost a lot because of the mixture of two races. Most of our fathers were white and our mothers were black. My colour turned brown and that is the reason why I was removed like everybody else. That is the truth of it all. As far as I am concerned, it was genocide.

Senator RIDGEWAY—I just wanted to follow up on similar things to do with the question of funding and self-determination. You are probably not surprised that you are the first group that has raised the question of self-determination and the appropriate response. One of the troubling questions for me—and I do not have an answer for it yet and you might be able to help me—is that all the way through the inquiry I have asked the question about how you deal with the issue of funding and make a distinction between what is old money and what is new money in relation to the government's response, whether it is federal, state or territory. I presume we would all agree that there is not enough funding. On the issue of self-determination and what you call the 'discrete circumstances' concerning the stolen generations, I understand that HREOC took the pan-Aboriginal approach in coming up with recommendations. Do you have any models or ideas that deal with what you are promoting as a 'self-determination approach' that try to deal with the discrete circumstances of the stolen generations exclusive to or separate from other problems that exist in the Aboriginal community?

I ask that because I have asked the same question to other members of the stolen generations in other states. I have asked the question to health experts, who have come up with answers that the problems are the same, that you would not make the distinctions, particularly with the department of health. How do you spend money in relation to stolen generations, their circumstances and the outcomes, and other people, either through mandatory sentencing or loss of identity, or other policies like dispossession of land? I do not want to put you on the spot but I am having this trouble of how you actually separate those two things. Isn't it part and parcel of the one big history? If it is not, if it is a separate part, how do you distinguish between them and how do you give an appropriate response?

Mr Furber—We keep talking about history and then we talk about the present and we talk about the future. It is a fact that the colonies developed individually and then they became states, which then formed the Commonwealth. I keep getting back to this: the states, we would argue, are responsible for dealing with stolen generation people in their state. How it is done is

going to be determined by those people. We have a direct relationship with the Commonwealth and we need to sit down and negotiate directly with the Commonwealth on this matter because of history—we came under their policies.

As far as the counselling service and health experts are concerned, I have spoken to health experts too. I am not sure if they are health experts; they are certainly counselling experts. On the model that I talked about with them, I said, 'Yes, that seems to be the model. It has come from the community. Yes, that is the way to go. We can't tell you what to do.' The stolen generation experience is the stolen generation experience—no-one else had it. No health expert in Australia, unless they are a stolen generation person, has experienced it and knows how to deal with it. That is the problem we have got confronting us.

It is the same as what happened in the Truth and Reconciliation Commission in South Africa, with people who went through trauma in Eastern Europe and so forth, and with Vietnam veterans. The only people who could help the Vietnam veterans in the end were themselves. We are saying the same thing—it is the stolen generation people who will help themselves.

Mr Storey—I remember an article from Mick Dodson when he was Social Justice Commissioner suggesting that indigenous rights in Australia must be understood in a context—that is, that indigenous Australians had rights as citizens to the delivery of basic services but they had additional rights as indigenous Australians, because of their indigenous status. Similarly, I would suggest, in response to these matters stemming from the stolen generations, remembering that the individuals in question are individuals who have suffered a wrong at domestic law, hopefully, and certainly at international law and that therefore that wrong deserves a particular response. This is why I would suggest that response is over and above a status as an indigenous or a status as an Australian.

There is the question of how you then administer it. This is why we emphasise the need to allow some control within the community, to let the community determine what is the appropriate response. This is what I think is missing out of HREOC. Your question about asking different people in different places raised for me the issue that HREOC could not possibly in its recommendations attempt to understand that the responses are going to be different in different parts of the country. The experience of the removals policy in the Northern Territory, indeed, the experience of the removals policy in north Australia was different from in Central Australia and was different from in western New South Wales and in Western Australia. Therefore, the responses to that are going to be different; it is impossible to have a single model. But the one unifying theme is to allow the community that has suffered the wrong to determine the appropriate nature of the reparation. And that, to me, comes to the self-determination.

My answer to your question would be: ask the community concerned what they want. Now it might be that that community decides controlling a group of counsellors, being able to manage a group of counsellors and having appropriate counselling services delivered, is what is most appropriate, given the available funds, and that the effect of that is likely to lessen a burden on a mainstream Aboriginal health service, who then would find a reduced demand for their counselling services. If that is the case, well, good luck. It might be, of course, that that community wants something completely different—they might want a community hall—and continues to avail themselves of the existing counselling service.

Senator RIDGEWAY—In relation to recommendations 43a, 43b, 43c and 2, is there a role for national indigenous representative organisations that deal with health, legal services and child services? You mentioned the Stolen Generations National Secretariat as the only body that has not been funded. Do you see a role for them in relation to these recommendations, which talk about self-determination and a national framework legislation, and then either regional or local agreements or initiatives that you described? Is this a direct relationship between the federal government and your group or is there a relationship that involves ATSIC and other bodies that do things in relation to the community?

Mr Ryan—There are a lot of questions there. Can I go back to a previous one about funding. I said at the beginning of this that there was \$64 million. The stolen generation Aboriginal corporations have nothing of it. We put submissions into ATSIC and they also get knocked back. Then, we write to everybody—we have sent letters to the Prime Minister, Senator Herron, Senator Meg Lees and everybody else who is influential—asking for dollars because we at the forefront have nothing, a big fat zero. It is like trying to make an omelette without an egg. So what happens? We have nothing. We have not got anything. There are people who work in this organisation voluntarily. There is nothing here. There is a fallacy that the stolen generation has a lot of money. We have nothing.

In relation to the question you are asking, we want self-determination: let us be in control of this whole process. There are other agencies that have a right to this social wellbeing—like the health department or the education department. Another area of Link Up which we talked about here is a modern-day agency in Darwin which has responsibility for children. The Link Up program which we have been asking for is for our people here to be linked. We cannot get anything. There are always clauses and hurdles put in by the people who are supposed to represent us—and that is also ATSIC. We all know ATSIC is run by a bureaucracy mainly of non-indigenous people. So let us determine ourselves; let us make our own mistakes. This is all we are asking: let us be in charge of our own affairs.

Senator RIDGEWAY—I do not have difficulties with that. Are you able to go away and give some thought to the issues that have been raised and give the committee a supplementary submission that tries to develop some sort of model as to how you might approach it here for your circumstances?

Mr Ryan—Yes.

Senator RIDGEWAY—I ask because there are going to be differences between territories and states and then in regions in each of the states and territories.

Ms B. Cummings—We never really had a problem with our indigenous organisations dealing with our business at a senior level. Our concern is that we have been left out of the process, that is all; that is our argument. In the Territory we have never had any focus on us, the stolen generation community. We were never considered to be Aboriginal. Consequently, we missed out on the land rights agenda. This belonged to us: we invented it, we created it and it was to deal with our business. Unfortunately, it became a pan-Aboriginal issue and the inquiry did not even recognise us in their documentation. We fed them information continually. We do

not have a problem, but how do you force an organisation, which has the funds, to deal with the constituents? That is our difficulty in this town.

Senator COONEY—It is like me getting knocked over at lunchtime and getting injured and everybody else on the committee taking the money and saying, ‘There you are, you’ve suffered the injury—we’ve got the money and you can ask us for some if you think about it.’

Mr Storey—In response to the question about recommendation 44—

Senator RIDGEWAY—I think I understand the answer.

CHAIR—I am very anxious about the time. Some of the questions are rather lengthy and some of the answers are also rather lengthy. We have gone over the scheduled time for this set of witnesses which will eat into the time of other witnesses later in the day. I do not want to stifle any debate or discussion. Could I ask that the questions and the responses be compressed. My colleague Senator Crossin still has some questions to ask you.

Senator RIDGEWAY—I want to ask a question in relation to the national stolen generations secretariat. Is there a secretariat?

Mr Storey—As I recall, in 1997 or in early 1998, it incorporated a national stolen generations organisation. It made representations to the ATSIC board of commissioners for funding. The representations were unsuccessful. I understand that the body is still on the books, at least, as an incorporated body, although it certainly has not been active.

Senator RIDGEWAY—Are you supportive of that part of the recommendations in the *Bringing them home* report about that secretariat—firstly, that it be in existence and, secondly, that it receive funding?

Mr Storey—I understand that to be the case, yes.

Senator RIDGEWAY—This will probably be the last question. One of the questions that was asked of the Department of Health and Community Services again was in relation to old and new money. To extrapolate what you are saying, it would seem that more than half of the \$63 million was already in place prior to the *Bringing them home* report being delivered. So what you are saying is: firstly, that there is not sufficient funding for the discrete circumstances of the stolen generations; and, secondly, that what is there is really a confirmation of the status quo of what was already in train rather than dealing with your circumstances. Is that correct?

Ms B. Cummings—Yes.

Senator CROSSIN—You have already discussed a number of issues that I wanted to explore but I wanted to focus on two issues. First of all, I refer to monitoring of the recommendations. I want to finish my time on this committee with a clear understanding of how people believe the recommendations ought to be monitored. Despite what we have heard, particularly this morning, about MCATSIA currently doing the monitoring and reporting, if that body had been as effective as it ought to have been, I think that we would not have the level of anger and

frustration that we have now and that we have heard about in your submission. My question to you is: do you believe MCATSIA is an effective and appropriate monitoring and reporting body and, if not, what should be established? Your submission goes to an independent body but, first of all, what are your comments about MCATSIA and, secondly, what do you think needs to be in place to actually monitor these recommendations to ensure that they are implemented?

Mr Storey—In answer to the first question, I think it has been totally ineffective. We have told stories about the implementation of the recommendations. I think that if you look at some of the written submissions, they indicate that, for example, many members of the stolen generations in the Northern Territory have received absolutely nothing as a response to the recommendations. If, therefore, they are meant to have been monitored, the monitoring has been totally ineffective. To me, that is not surprising because, surely, an essential component of monitoring the delivery of any essential services to a client group is some ability to consult with the relevant client group. This again underlines the need for an organisation. Without a voice for the stolen generations, whether or not recommendations have been implemented effectively can never be assessed.

Senator CROSSIN—We heard this morning from Ms Weis in particular that some subcommittee of OATSIH has been established and that the Northern Territory government has a good rapport with the stolen generations mob. So I am trying to come to grips with where this chasm is between the frustration that, for example, your groups feel and the lack of self-determination, yet there is this big tick from the Northern Territory government—and, mind you, from other people we have heard from, that MCATSIA is the way to go and that it is doing its job.

Ms B. Cummings—When the going home conference was held here in 1994, and a further conference was held in Alice Springs in 1996, at the beginning we did not believe in an inquiry process. We made statements such as that the royal commission had brought us nothing and that an inquiry would bring us nothing. We wanted to set up a national monitoring process that would consist of state representatives from all over Australia. It was a perfect model, but unfortunately it was never taken up by ATSIC and it was not encouraged by the national inquiry process.

Senator CROSSIN—Do you mean representatives of the stolen generations as opposed to the governments in each state and territory?

Ms B. Cummings—Yes, in each state. We had an election whereby people could nominate their state rep to sit on that board. Unfortunately, it was not recognised or promoted. Consequently, COAG or whoever has taken over that role.

Mr Storey—As well, part of the chasm in relation to the Northern Territory government's involvement in MCATSIA might stem from the fact that the Northern Territory government has very little involvement in any program delivery stemming from the *Bringing them home* response. As such, the Northern Territory minister would hear few complaints, for instance, about language programs because it is not a Northern Territory issue. Their involvement is almost negligible in any of those programs. Therefore, the Northern Territory minister is not relaying that information. The information should be relayed through Commonwealth

structures. The Northern Territory government does have a reasonably good relationship with the stolen generations. It is one of the agencies that have recognised some of their independent concerns. I find myself quite surprised to be sitting before a Senate committee and saying this: the Northern Territory government is one of the few organisations that has funded directly the stolen generations corporations. They deserve recognition for this. Not very much money, I might add, but some.

Senator CROSSIN—Somehow we need to put forward either some recommendation or solution to try to resolve what is happening here in the Territory with Link Up services. As I understand it, your group has been given money through NAALAS to assist with litigation. Is that correct?

Mr Storey—The Stolen Generations Litigation Unit is, at least technically, an arm of NAALAS. It is funded to carry out the Gunner and Cubillo litigation.

Senator CROSSIN—If the amount of money provided to the stolen generations people nationally was increased—I think one of the reasons why we have got to the level of frustration that we have is because there is too little in the bucket for people to do what they want to do and what they believe needs to be done—and if there was money available for your group, what kinds of things would you be doing with that? Would it be your role to, say, control the language maintenance programs or community development programs? Do you also see it as your role to provide Link Up services and to be the only body that provides Link Up services in the Territory, or would you contract that out?

Ms B. Cummings—For many years I tried to get dollars out of the NT government to employ somebody from Link Up under the KARU Link Up program. They always denied their responsibility and we did not get a Link Up worker until the royal commission issue. Times have changed. There was a demand to change the existing way in which Link Up operates. What we wanted to do—it was always the intention but it has never been implemented—was that there were five groups and we would have one extra person. That could be the existing Link Up worker within KARU who could coordinate those five groups plus deal with any outstanding adoptions that may not be linked to our particular groups. My concern is that if you leave those dollars within that existing structure, you will have difficulty getting it out at a later date. It does not at this time provide any form of empowerment. We are distinctly separate groups and we need to deal with our business separately.

Mr Furber—The situation in Central Australia is slightly different. We are talking about Link Up, specifically. Barb has just talked mainly about the Top End. In the Centre, we have been able to negotiate with the Link Up provider who provided the link up previously; that is, the Central Australian Child Care Agency. Together, we have been able to work out the differences that Barb is talking about. That means the Central Australian Child Care Agency will look after the current child-care issues. Link Up is a stolen generation issue. The program has been transferred over in this current year. We do not know of any Northern Territory government money that is actually involved in the Link Up program. It has come as a surprise to learn that the Northern Territory government provide some funding for it.

Ms B. Cummings—They did not.

Mr Furber—They did not?

Ms B. Cummings—They did not. They refused it. We did not get any funding until the Royal Commission into Aboriginal Deaths in Custody, and they provided—

Mr Furber—The Link Up program in the Top End and the Link Up in the Centre are slightly different now. We managed to have that transferred over and to come under the control, if you like, of the stolen generation. I believe that the morale of the Central Australian people has lifted since we have been able to open an office with a name on it.

Mr Storey—Senator, I think the answer might vary, depending on the service in question. As a result of consultations I have undertaken for NAALAS as part of a recent project, there does seem to be unanimity. With the Link Up services and the counselling services, there is a strong desire to have those under control. You mentioned language as another example.

Senator CROSSIN—Do you mean the stolen generation people have control of that?

Mr Storey—Yes, the stolen generation people have control. You mentioned language. While there is, as I said earlier, a desire for language programs, it may not be that it was intended to employ language teachers directly by the stolen generation's organisation, but delivery of those services could be by arrangement with existing agencies. I think once you have got a funded organisation that can then contract with an appropriate language centre to deliver the services, the community concerned is empowered in the way those services are delivered.

Senator CROSSIN—Is there a possibility that, if the stolen generation group in the Top End or the Centre were given the money for Link Up, they may well contract another body to provide that service, but they would control and monitor the delivery of that service?

Mr Furber—We would control it, as we have done in Central Australia. We have the Link Up program under stolen generation control in Central Australia now, as of this financial year. That is what we are trying to pursue in the Top End so that at least those two bodies, the Top End and Central Australia, can work in cooperation through the network, nationally.

Senator CROSSIN—Your preference is to actually run the Link Up service yourself?

Mr Furber—Yes, the Link Up service and the counselling service, because it is impossible to have a Link Up service without a counselling service. Those are the two prime areas that need to come under direct control of the stolen generation corporations, both in the Top End and in Central Australia. We have got the structures together. No-one seems to want to recognise it. We have that Territory-wide Link Up service, but it is not being funded in the Top End at the moment.

As far as other issues are concerned, such as the language program and so forth, whether or not it sits in a current organisation is not necessarily a problem, it is the way it is being administered without reference to the stolen generation people. If there is a cooperative approach on the program, that might be okay because, as someone said, we do not want to reinvent the wheel. We want some control and input into the program.

Mr Storey—There are a number of core activities that the organisation itself would deliver the services on to their client community. There might be a number of less central activities which are contracted. I should note that I mentioned Link Up and counselling. There was an almost unanimous view of these core activities. The other, in fact, has been the continued conduct of any litigation, particularly if there was ever a reparation tribunal established. There is a strong feeling that that is very much a core activity with any stolen generation organisation.

Mr Ryan—Senator Crossin, when you said about monitoring, we would love to be able to monitor every aspect of the stolen generation. We are not involved in it. We are not involved in the secretariat. Going back to Link Up, the appropriate body is ourselves. You have to look at the sensitivity of when you go back to your community. You have to separate two things here. There is the stolen generation and there is link-up here—KARU. Up here we have had meetings, but the process has gone to somewhere else. This process of Link Up in the Top End should go—and, as Mr Furber has said, there are recommendations from seven regional councils in ATSIC—to the appropriate body, which is the stolen generation people themselves.

Ms B. Cummings—The conference, which drew some 600 people to this town to deal with their business for the first time in their lives, had four objectives for a holistic approach to Link Up for us in the Territory. One was rights to land; two was access to archives, government and mission records; three was social justice; and four was compensation. We still want to pursue those four objectives but we are being prevented from doing so by the current system that allocates the money.

Senator COONEY—Can I ask a question on notice. Do you want to stick with your recommendations Nos 14 and 15? This is in your paragraph 16.14, 16.15 and 16.16 and so on. This is the tribunal. There are two things I wanted to ask you about this. It is on pages 39 and 40. Firstly, if you go state by state and territory by territory, what sort of money will you get? Secondly, if as Mr Furber, Mr Ryan and Ms Cummings have been saying, you want peer review—I think that is the idea of having indigenous people there—do you want indigenous people, or do you want stolen generation people in that?

Mr Ryan—Stolen generation children.

CHAIR—At the beginning of the hearing, I think Mr Storey made the explanation that they would like to keep this matter on hold until after the handing down of the decision this afternoon. I had some questions in regard to compensation and how it should be distributed. I held them because of what you had asked to happen. I do not have any objection to the question being asked or, indeed, if you want to give a response—but you did in the first instance indicate that you wanted to keep this matter on hold until after the handing down of the decision this afternoon.

Mr Storey—I think that is correct. In direct response to Senator Cooney's question, I understood the reference in that to indigenous persons to be a reference to indigenous stolen generations persons.

Senator COONEY—Fair enough.

CHAIR—I will close this section of the hearing now. We have gone dramatically over time, and this will impede and intrude upon other witnesses later in the day. Although there are more questions —

Mr Storey—Before you do, can I request some clarification? As you said, we were going to make a further submission regarding compensation matters after this afternoon's decision. About how long would we have to do that?

CHAIR—We intend to have our last public hearing of the inquiry on 31 August when we will take evidence in Canberra from Sir Ronald Wilson. We would then hope to be well on the way to developing and drafting a report which would be presented to parliament, hopefully at the date the Senate has instructed us to present that report. If you could get something to us by the end of the month, I think that would be appreciated and it will give you some time to digest what I understand is going to be an 800-page judgment coming down this afternoon. I thank you, Ms Cummings, Mr Storey, Mr Furber and Mr Ryan for your attendance here this morning and for the assistance you have given the committee in our deliberations.

Mr Furber—On behalf of the group I would like to thank you for giving us the opportunity—in spite of what I said about Central Australia—to present our oral evidence to you.

CHAIR—Thank you, Mr Furber; it is appreciated. I now call representatives of the Central and Northern land councils to the table.

[11.30 a.m.]

CHRISTOPHERSON, Mr John, Executive Member, West Arnhem, Northern Land Council

STUART, Mr Max, Chairman, Central Land Council

WATKINS, Mr Philip, Policy Research Officer, Central Land Council

CHAIR—I welcome representatives of the Central Land Council and Northern Land Council. Do any of you have any comment on the capacity in which you appear before the committee?

Mr Stuart—Yes. I am a representative of the stolen generation.

Mr Christopherson—Yes. I am the son of a woman who was a member of the stolen generation and spent time as an inmate at the Kahlin Compound.

CHAIR—The committee has received the submission from the Central Land Council and the Northern Land Council and we have numbered it 77 in our list of submissions. We thank you for that submission. We also thank you for your attendance here this morning to assist us further in our deliberations. Are there any amendments or alterations you wish to make to that submission?

Mr Watkins—No.

CHAIR—I invite you to make a short opening statement to the content of the submission. At the conclusion of your remarks, I will invite members of the committee to address questions to you.

Mr Watkins—The Central Land Council and the Northern Land Council are statutory bodies established under the Commonwealth Aboriginal Land Rights (Northern Territory) Act 1976. The NLC and CLC roles and functions relevant to this hearing are described in the submission already submitted to the committee. Both land councils wish to express their concerns about past government policies that resulted in the separation and removal of children from their families, their country and their culture. Both land councils support the stolen generations in seeking to redress their grievances and outstanding issues with government. This includes just compensation and the establishment of an alternative dispute tribunal to avoid litigation.

The CLC has provided practical support for members of the stolen generations. It has assisted members of the stolen generations in identifying and accessing genealogical information held at the CLC and has acted as a mediator in approaching other agencies who hold genealogical information relating to Aboriginal people in Central Australia. The Central Land Council has assisted in the establishment of the Central Australia Stolen Generations and Families Aboriginal Corporation, of which Mr Furber is chairman. This assistance has been in the form of legal advice, use of resources to assist in meetings, administrative support and some

logistical support for community meetings. The CLC will continue to offer assistance to stolen generations, their families and those organisations supporting their aspirations, if required.

The CLC acknowledges that Aboriginal people have an inalienable connection to their family, their traditional land and their culture. This includes those Aboriginal people affected by government policies and actions which resulted in their removal from their family, their country and their culture. The CLC submits that members of the stolen generations and those organisations representing their interests be given control of resources and programs aimed at addressing the impact that the removal policies have had on their lives, their families and the communities from which they were removed. The CLC maintains that recommendations made in the *Bringing them home* report should be implemented without exception.

Mr Christopherson—In relation to the Northern Land Council, I must admit to the committee that I, and probably a number of the council's membership, have not been involved in this submission. However, that does not detract from what has been said. There are a number of issues that need to be dealt with. As a member of the land council, I feel that the legislation, the way the land council has been set up and the operations of the land council have created, to a degree, an element of haves and have-nots in the Aboriginal community in terms of being able to identify with our true history and relationship to the lands of this country.

Having said that, and having read the recommendations of the *Bringing them home* report, there are a number of things that I would like to bring to your attention. Firstly, recommendation No. 14 talks about heads of damage and monetary compensation. Under the heading 'Heads of damage' there are 10 headings for which monetary compensation should be considered. I think there should be a No. 11 which states 'loss of identity'. I say that along the lines that the 10 recommendations that are there make up perhaps part of 'loss of identity', but if you look at 'loss of identity' as it relates to recommendation No. 13, it says:

That Indigenous organisations, such as Link-Ups and Aboriginal and Islander Child Care Agencies, which assist those forcibly removed by undertaking family history research be recognised as Indigenous communities for the purposes of certifying descent from the Indigenous peoples of Australia and acceptance as Indigenous by the Indigenous community.

If you look at recommendations 13 and 14 and relate those together, we seem to be going back to the days of the dog tag.

Senator COONEY—Could you just take us through that again?

Mr Christopherson—There should be another loss listed under recommendation No. 14—that is, the loss of identity—because we have to go to recommendation 13 to reclaim our identity. To do that, we go to an institution and ask them to identify us and give us a dog tag. That goes back to the years of forcible removal and the dog tags of the 1950s and 1960s. So there is some contradiction in this and I think it needs to be addressed. If you consider the politics of the Northern Territory, the current climate and the words of the Chief Minister about the head of ATSIC and how that relates to identity—and not so much a person being able to stand up in their own right in front of the rest of the world and identify as an Aboriginal person and be accepted—it has now got to the derogatory stage of identifying people by colour. That has no place in today's current climate.

There are a number of other things that we should take into consideration. I am an Aboriginal person—a second generation stolen person. The history of that removal was based on colour, as Harold Furber quite rightly said. I would suggest to the committee that the recommendation that will never be implemented is recommendation No. 10, which deals with the genocide convention. While we still have an attitude within the Australian community and within governments, particularly when the boss of the Northern Territory has an attitude, the genocide convention can never be fully implemented because there will be continuous acts and elements of genocide—you are never going to wipe it out.

The social phenomenon of reconciliation that is encompassing Australia at the moment—and I state this with great trepidation—can never be achieved between two different groups of people, particularly between the indigenous peoples of Australia and the non-indigenous peoples, unless there is true reconciliation within the Aboriginal community. That reconciliation has to come from within. Reconciliation among Aboriginal people is not a matter of who is more stolen than the other; that is like saying somebody is more pregnant than someone else. If you are stolen or if you are a descendant of a stolen person, that is your history, but there has to be a reconciliation between the Aboriginal peoples of Australia. I know that from my personal experiences.

CHAIR—Do you have much more, Mr Christopherson? I am anxious to get to questions and responses.

Mr Christopherson—I understand that. I have just a couple of things to say in relation to the recommendations.

CHAIR—I ask you to bear in mind that we are not inquiring into the recommendations of the *Bringing them home* report; we are looking at the responses. In that sense it is important for us to get your views about the responses to the recommendations of the report, and that is where questions are going to be important for us. So I would ask you to sum up in a short time what you wish to say.

Mr Christopherson—I understand that. But I must add that if you are responding to recommendations that are faulty it would follow from that that your responses would be faulty. All I am trying to do is highlight some of the faults that I consider to be there.

CHAIR—We are grateful for your assistance.

Mr Christopherson—Some discussions took place in relation to self-determination. As I understand it, in the recommendations of this document the concept or the notion of self-determination relates to children—children only, not the whole community of Aboriginal peoples. There is one more point that I want to make. In relation to children, I would like to highlight what is said at ‘Standard 7: Adoption a last resort’:

... that the national standards legislation provide that an order for adoption of an Indigenous child is not to be made unless adoption is in the best interests of the child and that adoption of an Indigenous child be an open adoption unless the court or other decision maker is satisfied ...

What is happening here is the same as what happened many years ago—we have people making decisions about what is good for our children. In this case, it says ‘the court or other decision maker’ and I cannot find what ‘other decision maker’ they are talking about.

Senator COONEY—Is that standard 7?

Mr Christopherson—Yes. I will leave it at that.

CHAIR—Thank you very much. I am going to ask Senator Ridgeway to lead the questioning by the committee.

Senator RIDGEWAY—You probably heard the commentary from previous witnesses this morning—their view in relation to funding, particularly on the responses of the federal government and, in some respects, of the Northern Territory government. One of the things that you talk about in your submission, at page 7—and I do not know who wants to answer this—is that you understand that decisions about Commonwealth initiatives and funding for programs in the Territory have been implemented without prior consultation or input from those directly affected. Can you tell us what you had in mind when you spoke about that? Are there specific examples of where the federal government, in partnership with the Northern Territory government, has put initiatives into place, has not spoken to any group whatsoever, let alone members of stolen generations, and has been doing this without empowering people to make them feel as if they have some sense of control over the whole process and what will eventually affect their lives? Do you have particular examples of where that has happened?

Mr Watkins—In Central Australia. Mr Furber raised it before with the counselling services. Funding was directed through AIATSIS eventually to the medical service in Alice Springs. That was done without consultation with members of the stolen generation and that has caused conflict within our community. As I understand it, the funds that were allocated for counsellors still sit in the health service. As the stolen generation’s rep bodies stated earlier, Link Up and counselling go hand in hand. That is a specific example I know of in Central Australia where that has happened.

Senator RIDGEWAY—Given some of the comments that have been made, particularly by the last witnesses, I would presume from the series of recommendations that have been passed by the land councils in the Northern Territory that you are supportive of the approach that is spoken about in terms of self-determination in the context of dealing with children’s issues, whether it is adoption or juvenile justice, because that is also touched on in the recommendations.

Mr Christopherson—It is hard to say on behalf of the land council but, in relation to self-determination and how it is provided for in this document here, it is not self-determination per se for an Aboriginal community to self-determine. It is a recommendation in here of self-determination for people to make judgments or assessments or decisions on behalf of children. Looking at it from just that point of view, the right people to be making those decisions about those children obviously would be the parents. In the absence of that, it should be organisations such as the stolen generation.

If you take the whole gamut of Aboriginal affairs and where we sit today, it was said by Harold quite distinctly why the actions took place in relation to the stolen generation, but then again we hear what Barbara said in terms of where we fit. I could put it to you like this. I have espoused to the land council and to a number of meetings that there are two things that unite the indigenous peoples of this country and there are two things that divide or separate us. The first thing that unites all our people is our undeniable history in this country irrespective of the shades of colour of our people. That is the first thing that unites us. The second thing that unites us is our undeniable desire for justice in this country. But the first thing that separates us or makes us different is what we have learnt of and from our history. The second thing that separates us is what we collectively and individually perceive as justice. So, being caught in that dilemma, we are now finding that, as Aboriginal people with a history which is undeniable, having very little to fight outwards, we are now fighting inwards to define what is our future. That makes it very difficult to go forward.

Senator RIDGEWAY—I think that has come through quite a lot in a lot of the hearings. To try and put that in some sort of practical sense and looking at the relationship between land councils in the Northern Territory and members of the stolen generation, one of things that is highlighted in the *Bringing them home* report is loss of native title rights and the difficulties in being able to establish the links or the connections. Is there something particular that is being done within the land councils to try and re-establish or facilitate connection or links being made in an active sense? How do you compensate for the fact that that problem exists? And again I am not trying to catch you out, but where there needs to be reconciliation within the indigenous community, how is that dealt with in an active sense? These are things that I have to think about as part of what I put in the report.

Mr Stuart—Good question. With this thing that you talk about, a link, the Northern Territory, the Top End, and from the border of South Australia into the Centre, we are Aborigines. We understand that. We have got 7,000 dialects in the Northern Territory alone of the spoken word. We do not talk in one. Right now I am talking in a foreign language. A lot of different mobs could not understand when I talk in my dialect, and I could not speak their language. That is the difference.

As for back in 1930 when the railroad came through from the border to Alice Springs—and I am going back to my chocolate colour now—I will talk here about the stolen generation. I was not going to talk about it because I was not stolen. A lot of my sisters and brothers were stolen. Most of them still never come back. They were taken away from their mothers. They were stolen. They were kidnapped. You know what I am saying; they were kidnapped.

Here I am—I still feel hurt—talking about reconciliation. I walked that bridge for reconciliation in Sydney. I did not know what it meant. I still do not know what it means. I do not know what it is all about. All I know is I am getting a piece of land for my people, and grabbing there from the Central Land Council chairman. I tried to grab this stolen generation. A lot of my ancestors are still missing. A lot of my aunty's family are still missing, and some of my father's. I do not know whether they are dead or alive. I do not know if they might be around here; I do not know who they are. Those sort of things I do not understand. There is a family close by you somewhere.

The other mob were asking about the money. How are you going to survive self-determination and all this? That is the thing they learn from the 1930s, from 1918. The churches and the cops came along the line here. There were single men. Then out come the little half-caste kids, even in the missions. That is the thing we never talked about in this stolen generation. That is why we are bloody chocolate coloured, and you know it—blue eyes, red eyes and everything. It was the white man that was going the ginnies. Poor Jacky No. 1 sitting down over there, or ginny over there. She would be washing dishes until 2 o'clock in the morning. They were gin burglars, if you don't mind me saying. More gin burglars started from South Australia up to here. Even the Chinese. They were half Chinese or half Melanesian, or whatever. That was the stolen brand. The poor ginnies would be branded for the rest of their lives. Look at me, poor chocolate coloured. I am nobody. I am just me.

But it really hurt to talk about the stolen generation. We are still unrecognised by the government of Australia, and we talk about reconciliation. I do not know what it is. I have never been to school. Where we are going to get the money to get self-determination started? There are sick kids and sick mothers. Their grandmother might be over there lying down. No water. Where are we going to get our water from? Up here you have got rivers. In the centre we have got nothing, only dust. We cannot feed the people on dust.

CHAIR—I think that is a very comprehensive answer to Senator Ridgeway's question. Perhaps we might pause now. I think he has prepared his next question.

Mr Stuart—We have got oil, gas and gold in the desert out there. All we are getting now from the goldmine, not from the government, is the royalty. That is only a piece of cake. Why could you not give us 50 per cent and money up front? That is where the money comes out from—from our land, that the whitefellas have, from those poor black men over there sitting under the maple tree. A lot of our money is going everywhere. That is the blackfellas' money from their land, and there we are. We get nothing. Whites—too big with money going down; blacks—we end up with no money.

Mr Christopherson—Going on to the question you asked about stolen generations and native title rights or traditional owner rights, I could put it to you like this. Max talked about the light on top of us; if the light was off it does not mean that there is no light there. It is just that somebody else is controlling the switch. But if you switch the light on, the light is there. A person who is a member of the stolen generation I could relate to as a light that has been switched off, but to bring it out and have the right people turn the switch, those rights are there. It is just that it has been pushed to the background for so long by external forces in the main and, in some cases, internal forces. But in the main it has been governments that have turned the light off. If you remember the last couple of years with the 10-point plan and how that was rushed through in relation to the handing down of the decision for native title to the seas off Croker Island—in actual fact it was a one-point plan to keep the light switch off. That has to change. The way to do that, and I have said it before, is through the reconciliation process within our community.

Mr Watkins—If I can just add to that, the Central Land Council has out of existing resources attempted to link families through our records and where possible make contact. This was before the Central Australian Stolen Generations and Families Aboriginal Corporation was

established. We have done that out of existing resources in a political climate where the land councils are under attack and resources are being reduced. Basically, our resources are limited in what we can do because the other side of it is that while children were removed, there are families that remained. What we have to do is bring them back together. What John is saying is that there should be reconciliation within our own community. That is very difficult without the resources to be able to do that. We are trying and we have tried and will continue to try, but our resources are limited to do that.

CHAIR—I am going to try again to ask people to limit the time of the questions and limit the responses because we have got a time problem. We have this additional adjournment this afternoon which had not been accounted for. We do want to give everybody a fair go, and I mean sharing the time out. I ask that the questions be kept as tight as possible and therefore the answers be kept as tight as possible because there are other colleagues on the committee who do want to address particular questions as well.

Senator RIDGEWAY—For the sake of brevity I will ask one more question. You probably heard the discussions earlier about whether it was appropriate for a working party to be established as part of the ministerial council or whether the Council of Australian Governments itself should take responsibility for implementation, monitoring and reporting. The land councils have been involved in politics for a long time and know about the politics involved in Canberra. Do you have a view on that?

Mr Christopherson—My view is that working parties are working parties. We have gone through the process of all the working parties. We have a document here that reflects a lot of working parties. I think the time has come now for the governments of Australia to get together and work something out, be a bit more proactive, rather than sitting around waiting for more reports. So, in short, yes, the government should be acting and there should be no more working parties. We have heard all the evidence; we know what the problem is; we know where people sit today; we have a fair idea of what our desire is for the future. We do not need another working party to tell us that; we need governments to act.

Senator RIDGEWAY—I ask the question because one clear thing that has come through is that the *Bringing them home* report is sitting out there in the ether but has a lack of an owner and no-one is accepting responsibility.

Mr Christopherson—Then the government should take their own responsibility.

Senator COONEY—Can I follow on, Mr Christopherson, from what you are saying, and I can understand the concept you are putting forward that the internal dynamics are a problem. I am not too sure what you say we as a committee or as legislators ought to do about that. Do we do anything or is that a matter for the community to resolve itself?

Mr Christopherson—I guess as legislators or governments what should happen is, first of all, that there should be an acknowledgment that that is a problem facing our people and then the way to resolve that would be to provide resources so that people can address that.

Senator COONEY—What sorts of resources were you thinking of?

Mr Christopherson—Some of the things that have been mentioned in this document here are in relation to funds with Link Up and things like that. But it is one thing to say to somebody, ‘Look, here is \$1,000 for you to assist you to go back to your community—go for it.’ It is another thing for that person to actually be confronted face to face with, in many cases, not so much an alien but a different set of values. I know from my own personal experience that my mother was fortunate in that she was re-found by her family; we had a contact. But personally, as a second generation stolen person, I have had my history denied and stolen on many occasions. That has happened when we are sitting down with our families—and these are the families from the people that were stolen—with whom we have a relationship, when we are going through our processes of day-to-day things that we do.

I must say that although it hurts me when there is either argument about specific things or when there is perhaps substance abuse going on, it is at these times that somebody can turn around and just with a few words slice you back to a nobody. Things like that really hurt—‘You are not so and so clan; you are not one of my people; you are nothing.’ So we get stolen again and again—every time that there is a denial of our history—and that causes a lot of distress and angst and puts people back to where we were when my mother was being taken away. So the government, like I said before, have to take responsibility for this document and address some of these problems, and they have to do it in consultation with the people that are affected.

Senator PAYNE—I just want to ask a couple of quick questions, given where we are with time, which pertain to the recommendations in your submission. I think you say on page 4 that the land councils are already responding to requests from stolen generation people to provide geneological information. Is that a regular activity?

Mr Watkins—That is the Central Land Council, yes.

Mr Christopherson—There is difficulty in relation to giving out geneological information, primarily because a lot of that information is confidential because of the reason we are collecting it, if you get what I mean. People have submitted an application to claim a piece of land; they have put in their genealogy going back many years. In the majority of cases—if not in all cases—those people, who are within the stolen generation and do have a link of some description, have not been included. The majority of people have not been included in that process. That information is stored and kept confidential to prevent it being used by the wrong people. In preventing the wrong people using it, they are also denying rightful people access.

Senator PAYNE—In your recommendation 5, you say that members of the stolen generation should be provided with the necessary support and resources to enable three things to happen: reunite with family, cultural education and a process to establish links to country. You go on to say:

Land councils should be adequately resourced to facilitate this process.

Does that mean that you want the land councils, for example, to be performing the role of Link Up?

Mr Christopherson—No. The land councils should be resourced to help people seeking that information to get that information—only to that extent.

Senator PAYNE—Thank you. That clarifies that for me. From your perspective—if you have a view on this—can you give me your view how Link Up is working in the Northern Territory? We have heard a little about the Central Australian operation and a little about the Top End operation. Can you give me your view of how it works? I do not mind who answers.

Mr Christopherson—In relation to the Northern Land Council, I am not able to provide that information—I have not had a lot of dealing with that. However, I point out that we have the chair of KARU appearing before the committee this afternoon.

Senator PAYNE—Mr Watkins, did you want to say something on that?

Mr Watkins—Only that at Central Land Council there is a relationship with Link Up. At times they will request whether we have any records about such and such a person. If there is information, it is transferred to assist Link Up.

Senator PAYNE—There are confidentiality provisions that apply to your operations already?

Mr Watkins—Yes, we do have strict guidelines by which information is given out. Parts are directly given out, if it exists.

Senator PAYNE—Recommendation 8 suggests the submission supports a form of alternative dispute resolution tribunal to look at the question of resolving claims for compensation. Can I just ask whether you have any view about how those claims should be tested for their veracity, whether you think that that is necessary?

Mr Christopherson—On that point, what we are talking about, or what I would suggest has been talked about, is that for all Aboriginal people, including stolen generations, to rightfully claim their inheritance, there is a set of protocols—for want of a better word.

When we talk about native title rights, inherent rights or rights as traditional owners, we have to understand that the primary right is the right to accept your responsibilities. If people are not made to, or do not have the opportunity to, determine, find out or learn what those responsibilities are, it is really hard for somebody to exercise rights. For a person of the stolen generation to want to go home to participate in their community as an equal, firstly there has to be an education, a learning process to determine what your responsibilities are in relation to that community. Once those responsibilities are being exercised, you go on to claim your rights.

If people learn about who their family is and do not understand or accept what their responsibilities are, there is conflict. That conflict needs to be resolved. In the main, conflict erupts because people are not aware of what their responsibilities are. Everyone wants to claim their rights, but nobody wants to accept their responsibilities. You have to learn what your responsibilities are. When that is accepted on two sides of the thing, it is much easier to go forward in terms of exercising your inherent rights. There have been a number of occasions when people have come together, knowing full well that they are from the same family, but

have disputed elements of what their rights are. So there has to be a mechanism to do that, and the land council is in a position to be able to do that.

Senator CROSSIN—In your recommendation No. 7, you say that you believe that a mechanism for reparation and compensation should be established. Do you have any idea of a proposed model that you think should be endorsed or picked up by the Commonwealth government to achieve that?

Mr Stuart—I think there should be compensation for stolen generations if the government is good enough to give us that. A lot of the little children were taken away from their mum's breast; they could have died that same day. There should be compensation from the government to the stolen generation, regardless of what other people say. Look at the black people that suffered in the 1930s and 1940s, and even now they are still suffering. There should be compensation from the government for the stolen generation.

Senator CROSSIN—If we are going to put forward a suggestion that it should not be through the court system because of all the cultural problems and the legal issues involved with that—that if people want compensation there should be another mechanism besides the courts—have you any idea of what the sort of mechanism should be?

Mr Stuart—I think we should go to the High Court of Australia or even the highest court of England for this. If it is a matter of being dead or alive, a human being cannot be taken away and put onto one little island with a lot of crocs, dogs and snakes about. That is the danger you are talking about in taking away the people, the little kids. Little kids are innocent.

We should take them to the High Court of Australia and let them understand what we are—we are human beings, not animals. That is what reconciliation is all about. We should be combined together and should stick together, but some of our people do not understand that. Talking about stolen generations, a lady has just asked me if there should be compensation. Yes, there should be compensation. If not, we should turn around and take them to court. It was not our fault that the kids were stolen. They were not stolen; they were kidnapped—let us put it that way.

Mr Christopherson—In relation to reparation and compensation, I personally feel that that is above and beyond just talking about monetary things. As I mentioned before, how can you compensate for a loss of identity? You cannot. No amount of money or whatever can change the way you feel, the way you think, the way you act, because where you are today is a result of your history. If a large part of that history has been taken away, you cannot just jump back and expect to reclaim it. Part of the reparation and compensation package should include a whole range of things. Part of it may be money. Part of it may be assistance we have already discussed—assistance to get back to people, assistance to deal with the fear that a lot of people may have in going back to their people. It may be some of the things that have already been provided in terms of counselling services and what have you. But in fact, in relation to No. 7, it should not be through the courts, if that is what you are looking for.

Senator CROSSIN—That is right. You say part of the compensation or reparation should be money. What I am trying to get a view on from the NLC and CLC is: if there is an agreement

that, yes, it should be money and if there is also an agreement that it should not have to be obtained through a court process, then what should be set up and who should assess who is entitled to the money, who should assess how much money, who should assess the validity of the claims? If it is not a court system, what should it be? You might not have a view about that. If you do not, that is fine.

Mr Christopherson—Just briefly, I do not think that the land councils in their own right are the organisations to deal with that. However, having said that, a coalition of organisations including stolen generations, Link Up, land councils, medical services, in particular the emotional and social wellbeing centres, and counsellors should be part of a body that makes those decisions.

Senator CROSSIN—There has been a view put to us that there should be some national tribunal set up, as there was in South Africa or in other countries, or even another section of HREOC that would look at that—almost an independent body made up of experts in that area. Is that something that the councils have given consideration to?

Mr Christopherson—I would have problems with having a committee of experts, given that it was a committee of experts that got us into the trouble we are in today that made the decision about stealing children. Presumably they were the experts of the day. I would have difficulties with that. I think the most appropriate people to deal with it would be the grassroots people using their own organisations at a local level.

You mentioned South Africa and I have mentioned this notion of reconciliation that is encompassing Australia. Not only do we have to have reconciliation within our own communities—that is, the Aboriginal community of Australia—but the other thing is that before you can have a true reconciliation between the two peoples of Australia—indigenous and non-indigenous—there has to be what they had in South Africa after the election: a truth commission, where people from all walks of life, all political persuasions and all colours and shades, can stand up and say what it is that they think about this country of Australia. That will go part of the way. We are talking about the healing process of the stolen generation. There has to be a healing process for the rest of Australia because they are bleeding at having to accept that we were here for 40,000 years, so they need a healing process. The way to do that is to follow the line of South Africa and have a truth commission where people are able to sit down and discuss what is the truth about the past, what is the truth of where we are today and how we address the truth for the future.

CHAIR—Your recommendation No. 2 is about the apology. The parliament on 26 August last year carried a motion which expressed deep and sincere regret. Is that not construed as being an apology?

Mr Christopherson—No, I do not think of that as an apology. If a mistake is made and you want to show to that person that a mistake has been made, you walk up, shake his hand and say, ‘Sorry, mate, that wasn’t supposed to happen.’ To not do that but say ‘deep and sincere regret’ does not have the same meaning. It means that you are standing back and saying, ‘Look, mate, I regret I did that; it is just a regret that I feel.’ It is a regret that you feel, not a sorry at a person, if you know what I mean.

CHAIR—On the other hand, thousands of Australians have signed the *Sorry Book*.

Mr Christopherson—Yes.

CHAIR—Is that not enough, that the people are speaking? Does it require, as you say in recommendation No. 2, the government to do so?

Mr Christopherson—Yes, it requires the government.

CHAIR—Thank you very much, Mr Christopherson, Mr Stuart and Mr Watkins for your attendance here and the assistance you have given the committee. We are deeply appreciative of it.

[12.22 p.m.]

COLLINS, Hon. Bob (Private capacity)

CHAIR—Welcome. You have lodged a submission with the committee and we thank you for it. We have authorised its publication and we have numbered it 83 on our list of submissions. Are there any amendments or alterations you wish to make to that submission?

Mr Collins—No.

CHAIR—Thank you very much. I invite you now to make a short opening statement to the committee. At the conclusion of your remarks, I will invite members of the committee to address questions to you.

Mr Collins—Thank you, Mr Chairman. I would just say that I was invited by the committee to appear today; I did not actually seek to appear. I am happy to be here. But most of what I wanted to say is contained in the submission. I just want to make the point very quickly—and it is obvious in the submission—that I was prompted to make this submission entirely by reading the government’s submission to the committee. As I said at the time publicly—and I want to say it here again today—anyone who was offended by what the minister for Aboriginal affairs had to say publicly about this issue would have been mortally offended had they actually read the submission. As disturbed as I was by what I heard said publicly, I found the submission itself to be an extraordinary document both in terms of its factual inaccuracies and, in particular, because of the deeply offensive nature of some of those historical errors.

As I said in the conclusion of my submission—and I will say it in my conclusion of this short statement now—as an Australian, I find it interesting to note the very hard line we take in Australia against people who want to rewrite history from overseas on other episodes in history that are inconvenient for some people. It is a pity that we do not take the same attitude at home in Australia.

Senator CROSSIN—You say in your submission that you found it astonishing that Tim Fischer said it was a matter now for the states—

Mr Collins—He did.

Senator CROSSIN—and that the Commonwealth had not been involved in the removal of children.

Mr Collins—That is what he said.

Senator CROSSIN—I guess that is one of the inaccuracies in the submission that you would point us to.

Mr Collins—Yes, it is. It is a bit of a hobbyhorse of mine, I guess, but it really does annoy me. I heard that interview here in Darwin. When that is said by me, Joe Blow or some other complete nonentity in the community, you do not mind so much. But when it is said by the

Deputy Prime Minister of Australia, you think to yourself, ‘God, what needs to be done to get across to people what actually happened?’ One of the most infamous advocates of the policy now known as assimilation was, of course, the Protector of Aborigines from the Northern Territory, Cook. His infamous slogan—and every old Territorian like me who has got some interest in history knows it—was, ‘Breed them white.’ He and Protector Neville from Western Australia were the intellectual leaders and the architects of the policy that became known as assimilation. That policy was given formal effect at an extraordinary conference in Canberra in 1937, which was a conference of the Protectors of Aborigines. That is a piece of Australian history which is both remarkable and appalling. It seems that it has been completely lost on some of the most senior political leaders in this country.

It is a fact that, particularly after the Second World War, many of the cases that were involved in children being forcibly separated from their parents were done for what would now be seen to be legitimate welfare reasons. There is no question about that. But having acknowledged that, it is just outrageous to try to pretend that the genesis of this policy was not the deliberate extermination of Aboriginal people from Australia, because it was. If anybody doubts that, it is all contained in the official transcripts of what was probably one of the more appalling conferences that has taken place in Canberra, our national capital. That was that 1937 conference where it was made explicitly clear. In fact, if you look at the transcript of the conference, there is not a single mention of the welfare of the kids. That never even rated a mention. It was all to deal with the ‘half-caste problem’ and what needed to be done to eliminate that problem. And, as Neville said, after five or six generations there would be no trace left of any Aboriginal people in Australia. In the face of all that, how people could disagree—prominent among them the Minister for Aboriginal and Torres Strait Islander Affairs—with the application of the word ‘genocide’ to that process, I do not know.

Senator CROSSIN—We find ourselves hearing submissions from around the country. The Commonwealth government in their submission said they have provided \$63 million as their initial response to the *Bringing them home* report and that it is now up to the states. We have heard that the states have categorically said that it is not their responsibility but the policy has rested solely with the Commonwealth government; it is now a national problem. What is your view about that? Would you say that the 1937 conference which you just mentioned would be a signpost for this committee in perhaps suggesting that it is a Commonwealth government responsibility?

Mr Collins—It is a landmark issue which has never been mentioned once by a single spokesperson from the government. Robert Manne, in an article that he wrote about it in *Quadrant* magazine, said that—and I think I am paraphrasing it reasonably accurately—if there were a more terrible moment in the history of Canberra than the 1937 conference of Protectors of Aborigines, he did not know of it. I think he is right. I think it is right to describe it in those terms. But as a Territorian, I see it as a much simpler issue—just as a factual issue. As a Territorian, I know that the government which was directly responsible for both devising and implementing this policy in the Northern Territory was the Commonwealth government.

Senator CROSSIN—Following on from that, you believe that it is now a Commonwealth government responsibility to take ownership of the *Bringing them home* report?

Mr Collins—There is no question about it in my mind.

Senator CROSSIN—Just going to that report though, you state on the last page of your submission that ‘there are undoubtedly flaws in the HREOC report’. What are some of those?

Mr Collins—Without going into the detail of what had to be in that sense a document in which there were errors, I simply categorise it all with one descriptor—the effluxion of time. It is inevitable that, with the passage of years—in some cases 30 or 40 years—people’s recollection of events is going to change and in many cases honestly change. Simply the passage of time brings those errors. For example—and I can say this without going into the gory details—there is simply a direct reference to events that occurred in my own immediate family. I am very familiar with people in my own family who were removed from their parents—in this case young mothers—at birth with no reference to the mother at all and against the express wishes of the mother but with the full support of the Aboriginal families that were involved. It was simply a product of the times.

It is understandable that that individual—and I am talking about a real person—would have an honest belief that she was part of a stolen generation. But in those cases very often these things did happen with the support of what were a largely powerless group—the adult Aboriginal community. That is the sort of error I am referring to. Because of those circumstances there would be many cases where the people concerned would have the honest mistaken belief that they were removed without any involvement of their families where that was not the case. That is what I am referring to.

Senator CROSSIN—We have had a number of people provide evidence to this committee—few and far between, I might say—and suggest that another major flaw in that report was that it was not balanced; that people like welfare officers or people representing government agencies—the other side of the report justifying why these children were taken—were not adequately interviewed, canvassed or their stories documented in the report. You were in federal parliament at the time and you were there when the report was brought down. Do you think that is a valid criticism?

Mr Collins—From anyone else other than the minister, it may well be. But how in hell could you level that criticism at the report when your own submission relied entirely on only four sources, each one of them non-indigenous—not a single indigenous source did the minister rely on in his submission—and among those four were a former Liberal minister for Aboriginal affairs, obviously defending the policies of the day, and a welfare officer who himself was responsible for collecting the kids. It is a bit rich when you use that as the basis of your own submission to criticise a report for being unbalanced.

I must say I found two of the most deeply offensive sweeping statements in the minister’s submission—deeply offensive. The day the government submission was in the paper, I was launching a book in Darwin—not far from where we are sitting now. That book, *Love Against the Law*, was the autobiography of Tex and Nelly Camfoo. This is a famous Northern Territory story. This was on the very day that the minister for Aboriginal affairs was saying these things never happened. No-one who knows Tex or Nelly could doubt the simple honesty of their retelling over a period of many years their life history into tapes, which Gillian Cowlishaw then

transcribed to her eternal credit into this book. Tex's father was a Chinese saddler. Tex's mother was a traditional Rembarrnga woman from that region.

I was deeply angry to see two things in the minister's submission. And they were there very deliberately. The first was the reference to the fact that no-one complained about these children being taken. What a joke! When I first came to the Northern Territory I worked in those communities. Those communities were administered by superintendents and those superintendents were law. If you happened to live in a community where the superintendent was a decent and in some cases even progressive person, fine. In many other communities where he was not, bad luck for you. The joke of even suggesting that at that time Aboriginal people felt empowered enough to complain about anything is just so offensive and so unreal that I asked what that statement was doing in there. I soon found out why. It was to make the case—and it is there—that not only did Aboriginal people not complain about this being done but they were glad it was happening because they despised part-Aboriginal children—they did not like half-caste kids.

Senator CROSSIN—We heard about that yesterday.

Mr Collins—Are there some cases where that is so? Of course there are. But to make that as a generalisation to justify history is not only a lie—and that is what it is—but a deeply offensive lie. All you have got to do—and I commend it to you; I have quoted from it in here—is pick up the book. It will only take you a minute to read it. Have a little read about Tex Camfoo's earliest recollections of his life when his traditional father, not his biological father, his mother and her tribal husband went to extraordinary lengths to protect him as a kid from the police officers who were coming there to take him away. To then see a submission from the minister for Aboriginal affairs making the case—and it was deeply offensive as well as being factually wrong—that traditional Aboriginal people, full-blooded Aboriginal people, were actually glad this was happening is pretty offensive stuff and factual nonsense.

Senator CROSSIN—Finally, could I have a comment from you about the minister's claim that the policies affected 10 per cent, but 10 per cent of what I am not sure. Could we have a statement from you about the claim that the figure is 10 per cent?

Mr Collins—I find it unusual to want to quote the Premier of Western Australia, Mr Court, but I do. I thought that Court, as much as I might disagree with him about a whole lot of other things, disposed of that argument as simply and as effectively as anyone has when the Premier of Western Australia said, 'It is not a matter of percentages; it happened. It should not have happened and we should be sorry that it did happen.'

Senator PAYNE—Could I direct a couple of questions on other aspects of our terms of reference and ask whether you have particular views on some of these. Firstly, we have been considering over all of the hearings—and I am sure we will continue to do so—methods of possible compensation, appropriate structures and so on, including in term of reference 2 whether or not there should be an alternative dispute resolution tribunal in preference to litigation. I was wondering whether you had a particular view on methods of compensation—how, quantity, to whom and so on?

Mr Collins—I do not have a particular view on the issue of compensation. It is not because I have not given it a lot of consideration; I have. One of the reasons that I have not yet formed a final view on it is that there is—

Senator PAYNE—The court case.

Mr Collins—You are absolutely correct. I know it is coincidental because the hearings of this committee were planned a long time ago. It is quite an interesting coincidence that you are sitting here. We are just a short distance away. The Federal Court is about to announce its decision now. I want to examine that decision one way or the other before I form a view on that. In respect of the second issue, though, I have no question about that. Of course there should be an alternative non-litigious avenue available for dealing with this issue.

Senator PAYNE—If you would not mind taking it on notice, if you do form a particular view after the decision is handed down, could you provide us with some information?

Mr Collins—I would be happy to.

Senator COONEY—I have just one question. It is probably an observation. In your eloquent and telling submission there is the account you gave of Langdine who I knew and whose father was a policeman in the town of Dimboola when I left there. I can remember him very well.

Mr Collins—You remember his father?

Senator COONEY—Yes, I remember his father.

Mr Collins—You are old enough to do that, of course.

Senator COONEY—I do not know whether you have done that with enough reverence. The interesting thing about that is that you knew him. I must give you some accounts, which might be of interest. Langdine was of great credit himself. I can imagine the terrible distress that he had. He was a policeman and a man that would have been most moved by that.

Mr Collins—I must say that I foreshadowed this. I would be more than interested in having a chat with you about it. I was out in the middle of Kakadu National Park when I heard that interview early in the morning on ABC Radio National. I thought it was an extraordinary interview. The reason I thought it was an extraordinary interview was that here was this quintessential Australian—he was, and you could hear it in his voice. You know when people are telling the truth. There might be a lot of grey areas, but when you are hearing the simple truth, you know it is the simple truth. Here was this man, now in his 70s, with a great deal of emotion and genuine anger in his voice, recounting these events from his own childhood in respect of his father, who he obviously loved and respected. In fact, I ran around for two days trying to track down that transcript after I got back. I am very grateful for the cooperation that I got in providing it to me, because some of this is lost in the translation. You should listen to the voice tape.

He was prompted to give that interview, Senator, in exactly the same way that I was prompted to give this submission. It was in direct response to what he had heard being said about the 10 per cent and all the rest of it. He made the point in a very telling way in terms of this nonsense. It is pure sophistry. We use the word ‘generation’ in a normal English way, as you know, not to refer to percentages. We use that word all the time. But he made the point, and made it tellingly, that the level of distress that was caused by this policy extended far beyond the children themselves. It extended in the first instance to the totally distraught mothers involved, and also to the extended family.

As I said in my submission, when you watch a program like *Lousy Little Sixpence* on national television, you see women telling stories which it was obvious were simply transparently true accounts of their own childhood. There was the appalling account of the mother with an apron on, running down the road after her kids. I know the minister has seen that program; I have discussed it with him. I talked to him about it in Parliament House two days after it was broadcast, so I know he has seen it. I know he does not doubt the truth of what was being said. How, when you watch that, could you produce a submission that tries to deny that those things happened? I do not know.

Senator RIDGEWAY—Mr Collins, I have a few questions. I thank you for the historical information you have given about how you view things. I note that it is in response to the government’s submission, but I have asked the church groups a few questions, and a question that still has not been answered, at least to me, is: at the time when these policies were assented to, and even now, people still believe that the policies were done with good intention. What influenced the thinking? Was it just the government decision in relation to a conference in 1937?

Mr Collins—No, I do not think so. I think it was, frankly, a combination of two things. One was the involvement of the churches, and that has an interesting history in itself. I represented the community of Minjilang for a lot of years—Croker Island. I do not know whether it is still there, but certainly the original buildings are still there and most of the functional buildings are still the old buildings that were built to house the stolen generation. When I first went to Croker Island a lot of years ago, the remains of the man-proof fence that surrounded that community were still there. The reason I make this point is that it was not without controversy. The records are there within the church. There were effectively a lot of very unhappy people inside the church who had profound doubts about whether they were doing the right thing, even though they were only acting as care agents on behalf of the government. That finally led to the church not doing it. It was not external pressure; it was internal pressure from inside the church. It is all a matter of public record. You can have a look at the newspaper accounts and the archives of the church to see that.

That was the first element—the fact that genuinely compassionate and caring people were actually involved in the care. There is no question that many of them were wonderful people. I had the privilege of knowing quite a number of them. Those people genuinely lavished real love, care and affection on those kids. I think that was the first reason. With respect to the second element—and I think this involves a minority of cases—there is no doubt that, as I said earlier in my oral submission, there would have been cases that were justified on normal child welfare grounds in any case. I think they are the two reasons.

Senator RIDGEWAY—Just to follow on from that, I want to look at the responsibilities of the churches. Many of them have spoken about a letter that was sent to the Prime Minister more than two years ago where they had agreed to set up a national compensation fund, and they received no response from the Prime Minister. My questions to all of the church representatives were: do you need to wait for leadership? Do you need to wait for legislation for that to occur? The answer was simply no. In raising the issue, you are probably familiar with the Canadian Mowatt case where the Anglican Church was found to be responsible for the residential system removing native Canadians. In that case 60 per cent responsibility fell on the Anglican Church and 40 per cent on the government. Do you have a view about that in relation to, firstly, the responsibility of the churches to this particular issue and, secondly, whether the government needs to take some leadership in relation to whatever model might be put forward, with or without the churches?

Mr Collins—I do not for the simple reason that I simply do not know enough about it. I am familiar with that Canadian case. I think I have just indicated that, out of personal interest a long time ago, I actually sat down for hours with some of the old church hierarchy—and most of them are now dead—discussing this issue. It is for that reason that I am aware that there was enormous dissension inside the ranks of the church about the church being involved in it—and, of course, growing dissension. Again I put this caveat on it because I am not sure whether it is absolutely right or not, but my impression overall was that the churches in Australia did not play a huge role in initiating this policy. It was very much a case of being a government driven policy, and the churches were seen as being the appropriate agents for care afterwards. There is no doubt again that there are some famous Territory cases. There is no doubt that there were strong advocates inside the churches who believed that they were doing God's work and were doing the right thing, but there were also a very large number inside the churches who, right from day one, thought they were not.

Senator RIDGEWAY—That leads to my next question: how do you actually condemn history in relation to people who thought that they were doing the right thing? The dilemma you have is that, in dealing with the government's response, which taps into a sentiment that exists out there—and we have heard it from a number of witnesses who have been involved in the practices—how do you actually deal with disentangling the history? Or how do you put on the table that these were misguided policies and practices of the past in a way that does not alienate the issues that we are trying to deal with and gain people's support in the general sense?

Mr Collins—It is a key question, and I have got no miracle answer to it. How do you deal with prejudice? It is difficult. All you can continue to do is try to put the facts on the table and take every opportunity you have to do that—and I do that just from a personal point of view—and hope that at the end of the day reasonable people will be prepared to look at the facts.

I must say that that very issue, though, does point to what is one of the most outrageous red herrings in this whole debate, which has been run from day one and which unfortunately resonates in the electorate—I have had enough conversations with individuals to know—and that is this nonsense: why should we feel guilty about things that we had no personal role in? We should not. I think it is a logical nonsense to have a personal sense of guilt about implementing a policy which was wrong, and I would say—and I put it in this submission—even wrong by the lights of that day and that era. There is no reason for anyone to have a personal sense of guilt about that, but I have a deep feeling of regret as an Australian that it happened, and I am sorry that it happened. It should not have happened. I do not know why

and I am sorry that it happened. It should not have happened. I do not know why some people have got such a huge hang-up about saying sorry for something they were not personally responsible for. I think the proposition that that implies personal guilt is a nonsense, and it always has been a nonsense.

Senator RIDGEWAY—You are probably aware of two letters that were exchanged between the Northern Territory administration and the federal Department of the Interior during 1949 and 1950. Those two letters raised the question of Australia's obligations under the UN declaration dealing with human rights. In that case it made reference to the fact that these practices would be at variance with the international standards. Why do you believe that Australia as a nation was able to ratify the UN declaration dealing with human rights, deal with the international convention to eliminate all forms of racial discrimination and ratify the genocide convention but not put that into domestic law?

Mr Collins—It is very simple: the reason that is possible is that politicians have never had a problem with hypocrisy—ever.

Senator RIDGEWAY—And that is it—just hypocrisy?

Mr Collins—That is a point I have made personally before. I do not say that as any particular criticism of politicians. Politicians are human beings: if you are pricked, you bleed; if you are tickled, you laugh—I am sure. Politicians are no more hypocritical than anyone else in the electorate is. But it was sheer hypocrisy. It was interesting in the case of Tex Camfoo; you are quite right. That particular matter—it was Hasluck at the time, of course—that UN declaration, forced an end to the particular practices at the time. It prompted Hasluck to come up with this brilliant solution, which was a disaster, to stop that from happening: declare Aboriginal people to be wards of the state. That was the genesis of that new policy. So you had this crazy situation when those laws were changed, when the Aboriginal ordinance was amended, and they all became welfare cases. Of course, the nonsense, the theory, was that they would become wards of the state; the practice was that Aboriginal kids automatically became wards of the state at birth, irrespective of their personal welfare circumstances. They were just immediately and automatically wards of the state the minute they were born.

Tex Camfoo was in this extraordinary position at various periods during his life—and all this is recounted by him in this book. He always knew he was Aboriginal. As he said in the book, he actually continued to go to men's ceremonies by 'sneaking around'; doing it surreptitiously. Do not forget: this man had a Chinese father. He went to traditional Aboriginal ceremonies by 'sneaking around' but at various times in his life he was differently categorised as being Aboriginal and being white. He was in this crazy situation at the time all this happened—this stuff is straight out of Monty Python; it would be funny if it wasn't so tragic—when it was a serious offence for a non-Aboriginal man to have a relationship with an Aboriginal woman. As Tex said, it was six months in jail. There was no doubt about it. You did six months in jail—that was the minimum. So when he became classified as an official white person by getting a dog tag, it simultaneously gave him a whole lot of rights: he could go to a pub and drink and all the rest of it, and it simultaneously made it a criminal offence for him to have a relationship with his own wife. That was a direct result of that exchange of letters you have just referred to. And that is the problem—the road to hell is paved with good intentions and all of that, and Hasluck's

intention to try to correct this problem was in reality no correction at all. It was classic politics. It was a political device to try to get Australia off the hook with the UN. It was a practical failure because, on the ground, not only did it change nothing; it actually made things significantly worse than they had been before.

Senator RIDGEWAY—I have one final question, and I do not know whether we will ever know the answer. Why do you think people overwhelmingly voted yes in the 1967 referendum? Is there a particular reason in the thinking of the time? My understanding is that, from 1937 and 30 years on with all of these international standards being ratified, foreign policy seemed to influence Australia's response and reaction to issues rather than domestic policy.

Mr Collins—I have my own answer to that question, and I am sure I am right about it. Television is the reason, the boss tube. TV remains one of the most important influences on public opinion and public attitudes towards anything, still. I am afraid my memory has failed me here. I vividly remember the actual television footage but I cannot remember the name of the program.

Australia had television introduced in 1956 as a direct result of the Olympic Games in Melbourne. Television had previously been prohibited from Australia because it was going to corrupt our minds and turn us into Americans, which it has, and I am unfussed about that. The ABC broadcast an extraordinary documentary prior to that 1967 referendum which actually showed, graphically, for the first time, the conditions that Aboriginal Australians were living in. I have got to tell you that it was shocking then and it is even shocking now. I am sure there are people in this room who know the program; I am sure you know the program I am talking about. It was an absolute turning point.

The reason that I am certain that is the case, Senator, is this: I came to the Northern Territory 33 years ago as a green as grass young bloke from country New South Wales and I worked for the first five years here for the Northern Territory Administration, Commonwealth controlled. That is why I know first hand how directly we were influenced by the Commonwealth. I worked for the Commonwealth government for five years, my first five years in the Territory, when they ran the whole place. I worked on Northern Territory cattle stations, and that is what politicised me, and I have said that publicly before. That is where I became active in advocating and agitating for some basic human rights for Aboriginal people. 'Shocked' is not the word for it. I could not believe the way in which Aboriginal people were treated in the Northern Territory, and that is only 33 years ago. I am not Methuselah; I was seeing it as a young Australian for the first time in my life.

There were two things that really brought that decision about, and they are both related to television. Firstly, to their enormous credit, were the non-stop campaigns that were being waged across Australia by Aboriginal Australians for better rights for Aboriginal people. Back in those days they got significant support from the trade union movement that actually helped to resource them, helped to give them publicity. They had sympathetic journalists that were supporting them. All of this is a matter of record. You can have a look at the old newspapers, and I have done it. You have to give enormous credit to the Aboriginal leaders of the time who campaigned for better rights for Aborigines.

Secondly, the ABC was broadcasting nationally a view of Aboriginal Australia that shocked Australians to their boots. Australians just could not believe what they were seeing on their television screens, that people could be living in those circumstances with the medical problems that they were suffering from untreated. I think that that brought an overwhelming feeling of guilt and revulsion among Australians, because all of this was done prior to that 1967 referendum. I think it was enormously influential in getting such a substantial result, to give at least basic rights to Aboriginal people. Some people might say that it was the high point of that movement and we have been going backwards ever since. In some senses, I think that is probably true.

CHAIR—Regrettably, time has caught up with us, Mr Collins. I am going to have to conclude this first part of the hearings in Darwin at this particular juncture in order to give the committee members, the support staff, and you an opportunity for sustenance.

Mr Collins—I have enjoyed the opportunity of sitting on the other side of the table. Even though I deeply regret leaving the Senate, it is a matter of continuing comfort for me to know that the business of the Senate remains in such competent hands.

CHAIR—Thank you, Mr Collins. The committee stands adjourned. We will need to be prompt because we have the afternoon adjournment to listen to the decision.

Proceedings suspended from 12.59 p.m. to 1.34 p.m.

CHAIR—I reopen this public hearing of the Senate Legal and Constitutional References Committee's inquiry into the stolen generation. Before calling the next set of witnesses I would like to release a submission that we have received from the Croker Island Association.

Resolved (on motion by **Senator Payne**):

That this committee receives and authorises publication of the submission from the Croker Island Association.

CHAIR—That is another one on the public record. I now welcome representatives of the Garden Point Association to the table.

[1.35 p.m.]

TOMLINS, Mrs Maria, President, Garden Point Association

McLENNAN, Mrs Cherrie, Treasurer, Garden Point Association

MORCOM, Mr Luke, Stolen Generation representative, Garden Point Association

DUNN, Ms Carmelita, Member, Garden Point Association

CHAIR—You have lodged your submission with the committee. We received it and published it, and it is numbered 63 on our list of submissions. Are there any amendments or alterations you wish to make to that submission?

Ms Dunn—We would like to resubmit our submission. Over the last few days we have had a bit more thought about what should go in the submission, and I understand we might be able to make some amendments to that submission.

CHAIR—You could make a supplementary one at a later time if you want to do it in writing. We generally just ask if there are any errors of fact contained in what you have already put, but you are more than welcome to put forward something else.

Ms Dunn—Can we submit a supplementary one?

CHAIR—Yes, but we are on a fairly tight time frame so bear that in mind.

Ms Dunn—What is the final date by which we could give the supplementary paper?

CHAIR—We would certainly want to receive it before the end of this month—that is when we hope to conclude our public hearings. You are welcome to make a statement now, and at the conclusion of your remarks I will address questions to you.

Mrs Tomlins—I am of the first generation, and I would like to speak on behalf of the Garden Point Association and all its members. The Garden Point Association would like to bring to the inquiry's attention additional information about our people's specific needs and aspirations. We would like this information included in our written submission to the Senate inquiry into the stolen generation.

This is not the first time we have talked about our issues, and no doubt this will not be the last time. What I would like to say again is that we are sick of talking. What we want is the implementation of programs that reach us, the people that have been most affected by past removal policies. We do not want resources given to mainstream providers, be they government or non-government organisations, black or white, who are supposed to deliver an appropriate service to us. We want to deliver the program ourselves because we have the ability, know-how and solutions to address the social, economic and cultural needs of our people.

In the Northern Territory, part-Aboriginal children were removed from their families and their country as far back as 1913. The removals were administered under the Aboriginal ordinance and the welfare ordinance by the Commonwealth government for educational purposes. Under both ordinances, children were removed from their families and country and placed in the care of institutions, hostels and missions, all of which were run by a range of religious groups. Children were also fostered and adopted into mainstream society. During the early 1940s, the majority of these institutions, hostels and missions were beginning to become overcrowded with part-Aboriginal children. The relevant Commonwealth government agency approached the Catholic mission on Melville Island with regard to becoming an official agency to take care of part-Aboriginal children removed from their family and country for educational purposes.

The majority of Garden Point children came from traditional mothers who lived traditional lives and who, like the children, were governed by the same ordinances that took their children away. They were forced to work as domestic servants on stations within the Northern Territory. The isolation of the island made it impossible for them to see their children. We are talking about an era when women generally had limited power and were men's chattels. However, if you were a traditional Aboriginal woman whose English was a second, third or fourth language, a woman who was illiterate and whose skin was black, then there was a double jeopardy. How can anyone sit there and tell us that our mothers consented to our removal? Before anyone can consent, they must be provided with all the information necessary to make an informed decision about what they are consenting to. Why were we committed to the Catholic mission until the adult age of 18? When we were able to leave the island, why did we not have assistance from our carers in settling on the mainland? Most of us did not have a home to go to. We relied on others who had moved to Darwin for assistance. We helped and raised each other in the mission days, and we continue to help each other today. We were not prepared for life on our own by the people whose job it was to give us those skills.

A lot of us were on the mission from a very early age. We did not know too much about life beyond the mission. The education that we were supposed to receive did us no good in society. No support or life skills were provided to us that would enable us to care for ourselves. We had more training in domestic duties and fieldwork than education. We basically learnt how to live in a different culture and were forced to forget our own. We received only very basic education—basic arithmetic, reading and writing. The education that we received would be equivalent to grade 3 in today's terms. Why didn't the authorities inform families of the death of any child in its care? Why were new names and identities given to removed children? Today, we are still living with that legacy.

The Garden Point Association has participated in all stolen generation activities since 1994. We have over 500 people with writs served in court from Garden Point. Regardless of the outcome of the Gunner and Cubillo case that we will hear about today, the issue that resulted in a removal will still need to be resolved. Our groups are large and are deeply affected by the assimilation policy from our involvement and participation in these activities—the enormous association meetings that we had with respect to the stolen generations issue. We come to the belief that we, the stolen generation community, hold the knowledge and understanding of the issues which affect us today. The *Bringing them home* report is based on evidence, knowledge and understanding from the community nationally.

We stress the importance of an appropriate body being funded to assist us, the stolen generation people of Garden Point, to address the following identified issues which most affect us today. As a direct result of the past assimilation policy, we need and want to address our issues so that we can come to terms with our past and look forward to the future for generations to come. The Garden Point Association believes that the Senate inquiry should call for: the implementation of a family tracing body to be adequately funded and established in the Northern Territory under the auspices of the stolen generation; individual history and testimonies to be recorded, with privacy protection; funds to be made available to compile historical and institutional information; a cultural centre to be funded and established as a keeping place for our history; funds to be made available for graves and memorials; funeral funds to be made available to return the bodies back to country for burial; funds to be made available to employ at least two full-time community workers; service providers, before they receive resources identified for our benefit, to be made to sign off on their accountability. There should be consultation with us, the client group. No funds should be released to service providers unless there is transparent and endorsed representation of the stolen generation institutions' involvement. We, the Garden Point Association, should be seen to be one of the identified groups to be consulted on any stolen generation issues which, in effect, will concern the wider community.

The Commonwealth government provided \$64 million to address the recommendations of the *Bringing them home* inquiry. This money is not enough to fully address our needs nationally. The amount allocated needs to be readdressed. The \$64 million went to existing Aboriginal services. No service provider who has received the *Bringing them home* money has contacted our association and asked for our views on policy or service delivery which best suit us. We are of the belief that service providers are serving people not affected by the assimilation policy. We want to know what checks are being made on clients using the service delivery. Are they from the stolen generation or are they contemporary removals? The policy not only affected these removals; it has had a major impact on the descendants of the children removed. These effects show up in the form of a high rate of unemployment, youth suicide, low self-esteem, high drop-out rates at school, high substance abuse levels, and domestic violence problems. Our elderly have urgent needs and will continue to die earlier than other Australians.

In fact, when we have made an approach to a service provider that was delivering a service we were told that the service we were seeking was one of the responsibilities of our association, which does not have these resources. We are asking that our voice is heard, not others speaking or acting on our behalf. If we are to make a difference to the lives of our people, then we must be the ones that take control of the resources that are aimed at giving us a fair go, to have and attain similar social, economic and cultural expectations and experience that other Australians have. Thank you.

CHAIR—Thank you very much. Do any of your colleagues wish to say anything at this point in time?

Ms Dunn—No, we are pretty right.

CHAIR—If I can go to your oral presentation, are the points that you have made on the fourth page there in order of priority?

Ms Dunn—No, I do not think so. They were just issues that were raised; they were not given any priority.

CHAIR—Part of the Commonwealth response to the *Bringing them home* report was the funding of some 50-odd counsellors throughout Australia. You have not mentioned them in this suggested list.

Ms Dunn—No. What we are saying about all the service providers is that the money allocated to the service providers does not necessarily mean that our voice is heard via those service providers and, in fact, maybe the counselling services that were set up were not appropriate for our needs. It was about the appropriateness of the service. If people are not going to access it, why bother having it? The service or the counselling should suit our needs, not just someone's decision on what our needs may be.

CHAIR—Do you know if those counsellors are in place in Darwin or in any other part of the Northern Territory?

Ms Dunn—Yes, they are employed in Darwin.

CHAIR—What is the measurement of their success, for want of a better term? Is that service working for the stolen generation?

Ms Dunn—It depends on what you call success, I suppose. We do not actually have figures that can say to us that of X amount of clients that go on to the service, X were stolen generation. We can only speak on behalf of our institution, and our institution would say that the bulk of our people that should be accessing the service are not accessing the service because it may not be the service that they would like to have designed so that they can impact on it. It is most probably just not appropriate.

CHAIR—Do I deduce from what you have just said that the members of the Garden Point Association would not necessarily seek out this service?

Ms Dunn—Yes. When we were workshopping the Senate inquiry, a lot of the people that were there suggested that the best way to deal with our counselling and our business is to find the solutions within ourselves; that, if we are going to have counselling, rather than an individual go to the counselling we should have counselling that is able to be facilitated by the group so that when people come out of counselling they are able to have support of the group.

CHAIR—Thank you. In the middle of those points, you are calling for the employment of two full-time community workers. Would they be counsellors, or what would they be?

Ms Dunn—Most probably, mainly resources for us to be able to get our people in to the service providers and support our people being able to make a difference to their lives. A lot of our people are not accessing service deliveries. It may be because of their lack of knowledge or perhaps the services not being appropriate, but it is mainly because we do not have resources. We think that we should be able to have some resources so that we are able to design programs

that work for our specific group. The mainstream service just does not make a difference to our lives.

CHAIR—In your particular group, the thing that binds you together is the fact that you are—

Ms Dunn—Garden Point.

CHAIR—Stolen generations from Garden Point?

Ms Dunn—Yes. We are the largest institution group in the Northern Territory.

CHAIR—What numbers are we talking about?

Ms Dunn—About a couple of thousand. There are 500 writs that we have got lodged at the moment, but if we counted up all the people that are first, second, third, fourth generation, there are most probably a couple of thousand of us.

CHAIR—These would be descendants. There would be actual stolen generation people and their immediate descendants?

Ms Dunn—Yes, we are. The two people sitting here, Auntie Maria and Luke, are both stolen generation people. My parents were both institutionalised. So we are talking about right now.

Senator PAYNE—In your submission you make some quite lengthy statements about how you think KARU does not work and some of the issues surrounding the operation of Link Up. Can you expand on that a little more for me? What are the specific problems from your perspective with KARU and what needs to change to make that successful?

Ms Dunn—I suppose one of the big things is that you do not separate the contemporary removals from the historical removals. What we are suggesting is that the resources that should go to stolen generation be extracted and given to stolen generation to be able to deal with the issues of stolen generation rather than having existing child-care agencies doing business for adults, if you like. We are talking about the linking up between mother and child, and in some circumstances they may be two adults. We are suggesting that they concentrate on contemporary adoption and substitute care issues and that past removal policy children or stolen generation children be catered for in a service that has stolen generation delivering it.

Senator PAYNE—So when you say this service has been a failure, does that mean it has not made any link-ups? Does that mean it has not assisted any families in coming together?

Ms Dunn—I suppose failure in the sense that it has not addressed our needs. We are not sure about what kind of link up this has and it is because we have not been actively involved in the delivery or design of the link up. I think Auntie Maria said that no-one has come to her to talk to her about what kind of delivery method there should be. If there was, maybe we would have different views about them than what happens now. We understand that there is a resource issue, that their resources are very limited as well, but what we are looking for is a linking up process that allows us, the group, to participate in the linking up because just linking up mother and

child, regardless of the age, is not satisfactory. We, the part of the group, the wider group, believe that we can make much more of a go of it in terms of making it successful for both parties.

Senator PAYNE—I was going to ask one question but that leads to another question. Does that mean that within your association you have people with the sorts of skills which may be necessary to do that as well as the fundamental life experience, the sorts of things that you were talking about. You know the problems, you know the experiences because you have lived them in many cases. For example, you talked about counselling and how it would be more effective if you were doing that yourselves and so on. What is the depth of that experience in your organisation that you say that you would be able to do that?

Ms Dunn—It is not so much that we would individually have to have the skills to do that because I do not think anyone can make a claim to that. We think what we would be able to do is design programs. If the people worked for us, they would design a program that we think would work.

Senator PAYNE—Alternatively, if you could have some input into the programs that are already being delivered, would that help so that you would have a capacity to add some design, to use your word, of your own based on your needs?

Ms Dunn—That would be okay but it would not be ideal; and I do not know whether that would make a difference. What we are trying to say is that for a long time the delivery method has been this and that that delivery method has not had made a difference in our lives.

Senator PAYNE—But for a long time it has not been targeted to this particular issue. You are saying that it is still not properly targeted?

Ms Dunn—I would say that that has been an issue for a long time. Link Up has been provided to communities for longer than the stolen generation. It is much more about trying to make a difference to the circumstances of people's lives in the long-term difference rather than quick-in, quick-out and quick-fix. It is a long-term systemic problem across the board. I suppose we are focusing on Link Up, but it is bigger than Link Up.

Senator RIDGEWAY—I want to ask a few questions very quickly. You probably heard this morning that I asked some questions in relation to how you make distinctions or create discrete programs or services in relation to the stolen generations. I gather from your submission that you are talking about similar things but you acknowledge that Link Up was in place well before the *Bringing them home* report. The question is in this context: knowing you have potentially \$63 million—maybe more or maybe less, after four years; who knows?—how do you give adequate weighting to the circumstances of the stolen generations and service needs that are required—like family reunion, counselling and so on—knowing that there is this limited pool of money? I am really looking for answers as to how you deal with this competition that goes on for a limited bucket of money.

Ms Dunn—We argue that we have seen very little, if any, of the \$63 million over the last few years. In actual fact it has gone to existing mainstream services, black or white, and the reason

we may have not got a piece of the action, so to speak, is that we are not welcome in some circumstances in making decisions about how that money should be spent.

Senator RIDGEWAY—Are there factors, in relation to why you were excluded from the process in terms of design and implementation of services, that you could put your finger on?

Ms Dunn—I think you would know that there is black politics operating at all sorts of levels across states and territories. That might have something to do with it. I think it is the size of the pie, and the needs of the stolen generation are much wider than Link Up. We are talking about generations of people who have not had access to the types of services that we are talking about but who have a high support need in trying to, I suppose, come to terms with what is happening to them and move on.

Senator RIDGEWAY—Are there factors at the government level as well in relation to the NT government and the federal government, that you are aware of?

Ms Dunn—The NT government have been really supportive of us. We have had a reunion just recently and they have been very supportive of that. In terms of the Commonwealth agencies—

CHAIR—Sorry to intrude, but we have to go to an adjournment at this point.

Proceedings suspended from 1.58 p.m. to 2.11 p.m.

CHAIR—I re-open the public hearings after the short adjournment, a very important adjournment. When the decision started to be handed down, Ms Dunn, you were responding to a question from Senator Ridgeway. I wonder whether you are in a position to complete the answer?

Ms Dunn—Yes, it is about us being able to address our issues in a much more holistic way. I think there is a concentration of attention on Link Up when it is a wider issue than Link Up. It is about trying to provide a service that deals with us in a much more holistic way—that deals with our counselling, removal and employment and all our social, economic and cultural issues. You cannot say, ‘We’ll take out this part and put it with this provider and we’ll take it out that part and put it with this provider.’ You really need to do it in a much more holistic way.

CHAIR—Thank you very much for your attendance here this afternoon and for the assistance that you have given to the committee. I have already thanked you for the submission.

[2.14 p.m.]

COLE, Mrs Connie, Member, Croker Island Association

CUMMINGS, Ms Eileen, Executive Member, Croker Island Association

GASTON, Mrs Tania, Member, Croker Island Association

RUSCA, Mr Sid Robert, Member, Croker Island Association

RYAN, Mr Maurie Japarte, Chairperson, Northern Territory Stolen Generations Aboriginal Corporation

CHAIR—Welcome. Would you in turn please identify yourselves?

Mr Ryan—I have already stated who I am. I was removed from Wave Hill Cattle Station at four years of age and moved to Croker Island Institution, off Arnhem Land, and then I was removed again to South Australia. I am a member of the Croker Island Association.

Mrs Gaston—I was removed from Elsey Station, taken to the Croker Island mission and later on removed to Adelaide for my schooling.

Ms E. Cummings—I was removed from central Arnhem Land when I was only about 4½ years old. I am part of this Croker Island Association. At the moment I am just devastated, I am sorry.

Mr Ryan—This is Connie Cole. She is one of our elderly ladies from Croker Island. Part of her history is that she was taken away. She was part of a group that was moved overland in 1942, when Darwin was bombed. They went from there across to Oenpelli and down to a place called Otford in New South Wales.

Mrs Cole—I was taken away from Anthony Lagoon and put into a compound, a government institution. When that place was closed down, we moved to Bagot for a time and then we moved to Pine Creek. From Pine Creek, we went across to Croker Island with the first missionary. But, instead of going directly to Croker, we went to Goulburn Island because no homes had been built on Croker Island at that time. That was in 1941. We waited at Goulburn Island until the children from Alice Springs had arrived. Then we moved over to Croker where only four homes had been allocated for us. There were no other homes, so 95 children had to live dormitory style. We had no electricity, no copper or laundry. We had to cart water from a well that was quarter of a mile away to fill up our drums. There were about two drums in each home and we had to fill them up. We had to do the laundry beside the well. So it was not easy for us, as we had to fetch water from the well and build a fire to boil the clothes in a kerosene tin.

There was no proper school. The only school was Miss March reading books to the children, the infants, while every child capable of working had to go out in the field, clearing the land to grow our vegetables and whatever we needed, like fruit and that. Every child was out there.

Others were doing the laundry and others were carting water. We more or less built the place up, not with the housing construction but with the clearing of the land, building the road from the beach to our homes. That was Croker Island.

Then, when the war started, a message came to Croker that all European women and children had to leave the island along the north coast. The half-caste children were to remain until further notice. Three of the missionaries, the young missionaries Olive Peak, Jessie March and Margaret Somerville, decided that they would not go, that they would stay with us. If they had gone, what would have happened to us children on Croker? We did not know how to communicate with the outside world. So they stayed with us.

When the bombing started in 1942 in Darwin we were still on Croker Island. Then we had no transport, only the mission boat. So, with the mission boat, we went across to Arnhem Land. There were two trucks given to us by the Church of England minister, Reverend Jim Harris. There were 95 children, one four-tonne truck and a utility. Many of us walked to Oenpelli. There were supposed to be government trucks coming to pick us up at Oenpelli, but they could not get across because the marshland in Kakadu country, the creeks and everything were filled with water, floods. It was raining there and they could not get across. So when it was time for us to go we had to walk from Oenpelli to Nourlangie. That would be about 65 miles, I cannot be sure, to get to the government trucks. Then with the government truck we went to Pine Creek. We travelled by train to Larrimah, by military convoy to Alice Springs, and then a train from Alice Springs to Adelaide, Melbourne and Sydney. On our return, back to Croker, we came back by boat.

Mr Rusca—I was born in the gulf country, at Borroloola. I was taken away from Borroloola for a couple of nights, and Croker Island.

Mr Ryan—You have heard from all of us here. I know it is a very emotional time here but we will continue. What has happened here is now the Croker Island submission. I thank the committee for allowing us in such a short time to give our paper on what happened. Croker Island was established in the early 1940s. On that island, people who were removed to there by the policy of 1910 that extended to the 1970s were removed to this place and never came off unless they turned 16 or 18 years of age, or else were sent down south, like myself. We did not have visiting rights from our parents or our families. We did not go to the pictures on Saturday nights. We did not mix with other Aboriginal children where the other institutions are, like in Darwin. We could not mix with anybody at all.

I would like it noted here that one of the isolated institutions, missions for Aboriginal children, was Croker Island. Remember, some of us still have not been home to see our families. We were told by welfare that we would see our parents. When we returned, some of us here have not seen our parents at all, both sides of the family. We could not see anybody. We did not mix with anybody. When we turned 16 or 18 in those days you were left at the mercy of yourself. We came into town, to Darwin. After the war, some of the most terrible things happened in this town to our women who came in. I am talking about drugs and molestation. This is what happened to these people. They had to find their way home. No-one helped them. To those people that were sent south for education, the same thing happened.

CHAIR—Our inquiry is into responses to the stolen generations report. The information we are now collecting I am not dismissive of, but it really is information that would go into the *Bringing them home* report. Our interest and our brief from the Senate is to look at the effectiveness of the government's response to that report. I ask you before you conclude your remarks to give some attention to what you see. You have done that in part in your written submission, which the committee has received. We have earlier authorised its publication. It becomes No. 99 on our list of submissions. But I would be keen, in the limited time available, to address some of the responses, some of the current, present day issues.

Mr Ryan—Some of the present day issues are that we are the same. We do not have any financial support from the Commonwealth government through the *Bringing them home* report. We are a constituted group of people and we are looking at the same things that the other institutions are looking at: support from this government through the *Bringing them home* recommendations. None of the recommendations in this report has done anything for the Croker Island people.

Ms E. Cummings—I suppose one of the things that we highlighted in the presentation we gave you was what we had lost. Through the Northern Land Council, they tried to let you know what they were feeling in relation to us being removed at an early age. I think we highlighted here that we had lost all that affiliation and the method by which we should have been part of our families again. What we were trying to highlight here was the isolation and separation and the losing of our language, our culture, history and all of that. Any child, in the modern day or at any time, learns things from a very early age. We lost all that with our families. So we were trying to do some family tracing and such things, to get some of our people back. But there are people like Auntie Connie, whose past is lost: she has lost her mother and does not know where her linkages are. One of our biggest fights was to try to get some of those funds to help us link back with our families.

When John from NLC started to talk about how difficult it is for us to get back to our own people, he was trying to emphasise from our point of view that we could never fit back into that system, because we had lost the capacity to learn at a very early age what our culture and our traditions were. So not only have we been dispossessed from our own country and our own people but we do not have the rights to go back to the island that a lot of children believe was their home as children. I suppose through the *Bringing them home* report that we are trying to get ourselves back together again as a group and see where we can go to from here—because we have not got many people left within the Croker Island Association. Some of the things we highlighted here are what we would like to do in relation to Link Up, health and wellbeing, language, culture and all those sorts of things. We felt we were denied all our rights, as children and as adults today, because some of us cannot even go back to the country where we were born. I do not know whether Maurie wants to add to that, but that is what we are trying to highlight here: we were removed because we came from a black mother and a white father. It had nothing to do with whether our mothers wanted us or whether they had the capacity to sign us away, because they did not. They were not educated.

CHAIR—What numbers of people are we talking about within the association?

Mr Ryan—At this present time, alive—as you well know, in the stolen generation—

Ms E. Cummings—We buried somebody last week.

Mr Ryan—Seven to 10 of us die every year. I am one of the youngest ones. On Croker Island itself, I would say there would be, of the people who were removed—not the second and third generation—there would be lucky to be 70 alive today.

CHAIR—Is it possible that there might be others with an entitlement to be members of Croker Island Association who would not be living in this region?

Mr Ryan—Yes. There are people living all around Australia.

CHAIR—What numbers would we be talking about? It is obviously a guesstimate.

Mr Ryan—Are you talking about the descendants?

CHAIR—Yes.

Mr Ryan—You would be looking at something like 1,500 or more. A lot of us have grandchildren and great-grandchildren, as Auntie Connie has.

Senator PAYNE—In keeping with the chair's admonition to concentrate on the terms of reference, that is how I will direct my questions. Hopefully, I will get off early for good behaviour or something. In terms of the structures and programs that have been put in place through the Commonwealth funding, whether we are talking about the oral history, the work of the national library, the national archives or the counselling that has been put in place in approximately 50 places around Australia, has the Croker Island group come into contact with any of that in any way—for example, with Link Up?

Ms E. Cummings—When we were having the court cases, Danila Dilba counsellors actually attended because a lot of our old woman sat through those court sessions, so they were helpful there. But a lot of our people do not go to the service itself. Even with Link Up, we have not been able to tap into those funds at all. There has not ever been any liaison between them and Croker Island as to how we can provide a better service to benefit the group, not only with us but with the other institutions. So I guess what I am trying to highlight here is that, even though we have all these services around us, not many of us actually utilise those services for one reason or another. Some people do not feel comfortable going to those services for a start. For a lot of the pain, anguish and trauma that we go through we do not really want to go to somebody else to do it; we want to be able to do it within our own structures. I think that is the reason a lot of people do not go to those services. When we have, we have been told there are no funds available to assist us in relation to the link up and going back to country.

Senator PAYNE—Ms Cummings, when you say you have been to Link Up and have been told there are no funds, what is it that you have been seeking that they have not been able to support?

Ms E. Cummings—I think Maurie would be better to answer that. I did my own tracing and linking with my family by myself, not with any service provider. I did it on my own. But Maurie might want to comment on because he has asked for assistance.

Mr Ryan—In the counselling area, let me say that, one to one, among the Croker Island people, no. I cannot even obtain those figures. Everybody who was institutionalised should be counselled, including me. I have not sought that because there are other priorities with the Gunner and Cubillo case and we are looking at Peter and Lorna and utilising Danila Dilba Medical Service. None of the Croker Island people have been counselled.

Senator PAYNE—But could you access the counselling if you wanted to?

Mr Ryan—We could, yes. But we want to have our own counsellors, like Aboriginal and Islander people, for confidentiality. There is a counsellor here that I would go to, Daniel, but, individually, I have not had time to go anywhere.

Senator PAYNE—I understand that.

Mr Ryan—Yes, it is available. We like to counsel ourselves in ways. We counsel by talking to each other. I get counselled by listening to soft music. With Link Up, there is this big problem with linking our people back. Decisions you hear about from other papers that come through. For myself, to take one of my own people back, is like taking a complete stranger. There are sensitivities and all that sort of stuff. We are missing out on a lot that stuff here. I hope that has answered your question.

CHAIR—Are the propositions that you have put forward in your submission in any order of priority?

Mr Ryan—Not really. As you all know, and as I told you a little while ago, many of our people have passed away. We cannot even afford to bury people. I would like to see headstones for every person that was removed from every institution. In there we have other areas that we could look at. But there is no priority on this; as far as I am concerned they are all priorities.

CHAIR—For example, you have not put in there counselling, which has just been the subject of questioning between Senator Payne and you. Isn't that one of the things for which you are asking for funds?

Mr Ryan—Counselling for everybody was put in by a recommendation that came out of the conference at the college. To me it is not on an immediate agenda. An immediate agenda for us is to be able to link up with our families before the rest of them go and to document our histories for future generations, not only for the Aboriginal people who were moved but for all Australians.

CHAIR—The matter of compensation is obviously one that will receive more attention following the decision of the court a short time ago. Submissions in the area of compensation have been put to the committee that not only individuals ought to be entitled to make a claim for compensation but also their relatives, their descendants. They say the communities also have a

right to make a claim for compensation. That has been resisted in some parts, and we have received strong submissions that communities should not be able to make claims for compensation. Do Croker Island people have a view on that?

Mr Ryan—Members of that group of people have individual views. As to compensation for the removal of your family, I will ask this question of whoever in this room listens to this: how much is a mother worth to each person in this room? In the meantime, how would you like it if someone removed your child so you were never to see your child again? If you have an accident, you are compensated. I have been asked about compensation by the Prime Minister and Senator Herron. That is not generally an area that we discuss. If we do discuss it, we talk about it in other areas. The other thing is that reparation is for the courts to decide. Other countries including Germany and Japan, where atrocities were inflicted, have compensated. So, as to that question, I would ask everybody: what is the value of a mother?

CHAIR—My question is a little bit different from that though. My question is more specific than that. I welcome your right not to address the question if you choose not to do so. Let me clarify what the question is. It is this: if there is a right to claim compensation, should communities have a right to claim it as well as individuals who were removed and the descendants of such individuals?

Ms E. Cummings—You are talking about the communities from where we came.

CHAIR—Yes. That was one of the recommendations contained in the *Bringing them home* report. It is that communities do have a right to claim, and others have resisted that.

Ms E. Cummings—They were denied access to us. We lost all links with them. They lost links with us. Some of them have a right to compensation. My mother has gone so I cannot answer for her.

Mr Ryan—None of our mothers is here. The compensation, whatever form it takes, has to be done by the courts of law of this country. We would like some form of compensation, whatever it is, because we have missed out on everything.

We are denied land rights. It is a fallacy that goes around the country that people in the Northern Territory have land rights. We do not have land rights. I believe anybody who is damaged in one way or another should be compensated. What form it takes is decided by the courts.

CHAIR—Your response then is that it should only be a court of law which would make such a determination on compensation?

Mr Ryan—Or if there was a tribunal set up. At this moment we have just had a court case which cost the taxpayers \$12 million and everyone of us here is a taxpayer. So will we go through that process again?

CHAIR—That is my question essentially.

Mr Ryan—We would like to have a tribunal set in place and we would like whichever government is in power to listen.

Ms E. Cummings—I think the biggest thing of this all is where the funds have been channelled into organisations and we, as a stolen generation group, feel that we have been left out of that whole picture. I think we need something for us to go ahead with because at the moment we have got nothing except for those organisations that have already been funded through this whole process. But they would not have been funded if we had not gone through this process here, this report or whatever you want to call it, and the recommendations.

Mr Rusca—You are talking about reports there where these organisations are getting funded through stolen generation money. I have got a dispute with a soil test along the road so I went up to see Legal Aid. Legal Aid knocked me back straight on my arse. They just said they had no money to take on that sort of thing. Everywhere you go you try and knock on doors and open doors and they have got no handles or you just cannot find them.

Mr Ryan—In other words, you need a battering ram to get in.

Mr Rusca—You are right. And I have been around for a long time.

Mrs Cole—When I went to KARU, I think it was—

Mr Rusca—Everywhere is the same. We are all sitting around here trying to find where all this money and shit have gone to.

Mrs Cole—Don't talk like that.

Mr Rusca—I am swearing. Sorry about that. I told you, it just slips out.

Mrs Cole—I asked for assistance to go and see my sister when she was sick. I did not see my family. Where I came from, a multimillionaire, Holmes a Court, bought all that land and my people were scattered all over the place. I did not know where to begin to find them. In 1982 my brother found our sister so I asked for assistance to go down. I did not get any assistance from the land council or KARU for transport to go down. They said to go and see this person and you go and see that person. I was going around in circles so I ended up going myself. I found my sister but my mother was dead.

Senator RIDGEWAY—Can I ask a question to follow on from the reparations tribunal idea? One of the models that has been promoted by the Public Interest Advocacy Centre in New South Wales is the model similar to what was put in place in South Africa following the Truth and Reconciliation Commission—I have asked this question to a number of the members of the stolen generations—but in that case reparations in the form of monetary compensation came to the equivalent of \$US6,000 over three or four years. In dealing with the question of a reparations tribunal, do you have a view about what an appropriate figure would be? I have mentioned this to Sir Ronald Wilson as well and he flagged a figure of \$A2,000 per individual. I do not want to put these things in monetary terms. I am just trying to understand what you have

in mind in relation to a reparations tribunal, which is very different to, let us say for instance, going to courts. Do you have a view on that?

Mr Ryan—Yes, we do have a view on it, and it is expressed by a lot of the institutions here and the stolen generations in here. But the government has to take that on board. We would like a tribunal. These cases have already cost \$12 million and there are 650 other litigant cases. So I would rather see in place a reparation tribunal to discuss this. If you are talking about damages and all the sort of stuff, somebody said to me, ‘A person can get raped and you get \$24,000.’ Are you talking about \$2,000 for being removed and denied your family, your culture, your law, access to land and your heritage—

Ms E. Cummings—And abuse.

Mr Ryan—Mental abuse, physical abuse and religious abuse. To me, \$2,000 is nothing. I asked earlier on how much a mother is worth. I will ask the same question to every women in this country: how much are you worth? These people are now parents, grandparents and great-grandparents and those children value those people. I did not like to talk about figures, but I would like to talk about having a tribunal set in place.

Senator RIDGEWAY—I do not mean to put a difficult question there. I think one of the hard realities of what the committee has to face is what is a reparation tribunal and, if we are talking about figures, what is appropriate.

Mr Ryan—The only way to reach that is to talk to the stolen generation corporations in the Northern Territory. And the only way you could get us together is to get some money provided for us, because we do not have any.

Senator RIDGEWAY—I guess what follows on from that is that, even if we came up with a figure that everyone agreed with, you have still got the question of how much is a mother worth, and I think more than \$63 million is the answer. But, in realistic terms, is there going to be \$63 million for every individual? The answer is no, probably. How do you get to a point where you reach a balance between addressing the emotional grief and anxiety to a point where people feel satisfied and the question of what we have currently got, which is if you want to deal with the issue then you have your day in court and deal with it that way. So I do not know the answer to that. Maybe it is unfair to be asking you that question.

Mr Ryan—The answer would be to meet with the stolen generation people in the Northern Territory, sit down and formulate a tribunal and nut out all the issues you have mentioned and the others. That is the only way. Otherwise you are in Canberra 4,000 kilometres away and we are sitting up here and we are separated. So I suggest that, in the wisdom of the Senate here, you bring us together with you guys in the format of a workshop, with people like Sir Ronald Wilson and maybe a Nelson Mandela—someone like that—or someone like Garth Nettheim, a constitutional lawyer.

Ms E. Cummings—I just do not think that we have really thought about the money in terms of how much we would like. It has been something that we have sort of put aside. Often we have had discussions but we have never really come up with the figure, I suppose because it is

so difficult working out what we have lost and how we can be compensated for that. A lot of people have not really looked at what the figure should be, but on some terms we have looked at what each state has given in relation to damages to people under abuse, criminal damage and things like that. So we have often discussed it but we have never come to a figure at all.

Senator RIDGEWAY—I think it was a bit unfair of me to ask that question. I would ask one other question—again, it is a difficult question. I guess one of the difficulties in this whole process of looking at a reparations tribunal is that you probably know, as I know with my own mob in the south, that there are different views between those that want compensation only and those that want acknowledgment of the pain and suffering, even if it comes in the form of compensation, as some form of compensation and recognition of what happened—of a hurt. How do you sort out those things in such a way that people in both camps feel satisfied?

Mr Ryan—Like you said earlier, amongst you people as a group, there are divisions in thoughts and ideas. What we really wanted at the beginning of all of this was an apology for the atrocities inflicted on Aboriginal and Islander people for the last 200 years. I do not care which government is in power, as long as someone gives it and shows leadership. Also, there should be an apology for the removal of Aboriginal and Islander children from their families. This is the main crux of the matter. Australia's history is based on fundamental lies: terra nullius, which was overturned by Eddie Mabo, a great friend of mine. Australia's history is based on lies. This has to change. If we are to move forward in reconciliation, we have to come to terms with these things that happened to our people—the massacres and killings that have happened in this country, the genocide that has happened to us, and the removal of children of mixed race. I am proud of my Irish heritage and my Aboriginal heritage. I celebrate both days. I am proud of who I am and I identify with who I am. I may have a bit of a temper.

Senator PAYNE—You only want to get on side with the chairman, Mr Ryan!

CHAIR—We celebrate it every week, actually.

Mr Ryan—Yes, indeed.

Senator COONEY—I suppose, Mr Ryan, you feel as a group that you have been asked some difficult questions. First of all, you are asked about events that took place when you were very young and when you cannot necessarily remember with the consciousness that is needed to persuade a court or a tribunal. So they are asking you about events that occurred a long time ago, when, as Justice O'Loughlin said, many people who were then alive are now dead. The fact that they are dead seems to come against the stolen generation rather than those who would oppose them. That is the first thing that may be of some difficulty. Then there are concepts of pain and suffering. All of those sorts of concepts are difficult to acknowledge.

On the other hand, if you look at the law itself, there is an award for pain and suffering, which is worked out on the basis of what people feel is fair in all the circumstances. You cannot really compensate in money terms for pain and suffering and for the loss that you have suffered; nevertheless, you have got to have some sort of a go at that to see if you can balance it all off. Would you feel better about the matter if less onus was thrown on the stolen generation itself, not only by the government but by everybody? You may well feel that people say, 'Yes, we're

sorry about the stolen generation, but unless they can prove anything, we're not going to do much about it.' Do you have any thoughts about that—whether there ought to be a winding back of the strictness of the rules that might otherwise be applicable?

Mr Ryan—Anthropologists have now proved that we have been here for 40,000 years—carbon dated.

Senator COONEY—No, I am talking about the stolen generation.

Mr Ryan—It is similar.

Senator COONEY—All right. I hope it is on the ball.

Mr Ryan—It is history on the facts, because Aboriginal culture is proved in stories, paintings and songs. I have an uncle who is still alive who can tell you today that I was removed from the Victoria River as a four-year-old and tell you which tree I am under. With respect to your question as to what we would like to see, in the court decision which came down just a minute ago, people have died. I ought to be careful about what I am saying because I do not want to be subpoenaed. What has happened—

Senator COONEY—May I say, in relation to whatever you say here, you are completely free to talk.

Mr Ryan—What has happened is like in the Holocaust. People have died but, we all know, it is still going on. The stolen generation will still go on, in whatever form it is.

Senator COONEY—But can you see what happened in the court case, particularly in the first one, that what the judge said is that you did not have enough evidence, in effect. In the second one, they said the evidence was the other way. The ruling has not decided against the principles that have been proclaimed. But he has proclaimed against the evidence. It seems to me that one of the problems, in one of them at least, was that the person was expected to prove something that was almost impossible to prove.

Mr Rusca—What are you supposed to prove when you got taken away as a kid?

Senator COONEY—I think what he was trying to say should be proved was that the taking away was forcible and done in a way that was negligent and in breach of a duty of care. That is technically what he was saying had to be said. But then he said the person concerned was not able to prove those things because the evidence was not there. So that person missed out because of the absence of evidence.

Mr Ryan—On the decision today, we will be going back and sitting down with our lawyers, Holding Redlich, and we will discuss these things. I am not a lawyer; nobody on this table is. I have read a few papers—that does not qualify me as an expert on anything. We will go back and discuss this. To prove things, yes, it takes a lot of time, effort and finances. To prove who are really the original owners of this country has taken a long time. We will endeavour to go

through a process and look for these things, but it is going to take time and we will sit down with our lawyers.

Senator COONEY—I wonder if you could discuss with them whether they feel that there is any way—I mean together, because it is your case, not the lawyers' case; they are helping you, and when I say 'you' it is a generic term for the stolen generation people. Could you ask them if they have anything they can suggest about how the matter might be dealt with more expeditiously?

Mr Ryan—We will take that up.

Ms E. Cummings—One of the biggest reasons we are doing this whole exercise is that we were a little concerned that the moneys that were put aside to assist us in some of the programs have been sent to other organisations. We have never been against any of the organisations—let me say this quite clearly. But, in relation to the Link Up program, I do not think that organisation has the expertise or the same feelings that we feel in relation to linking us and tracing us to family.

The Northern Land Council and all the land councils have never been there to support us because they have always dealt with people that are affiliated with the land. We, as children, were denied that, so we cannot be put under the Northern Land Council's coffers. In relation to health and wellbeing, some of us use those services, but not all of us. We are not saying, 'Get rid of these organisations.' We are saying, 'Let us be part of that whole process to determine what is good for us, not what is good for everybody else.' We might be a minority group within the Aboriginal community, but we still have a right to have our say. At the moment, when they gave that money away they did not consider us. Yet who instigated all of this? The stolen generation. Thank you.

CHAIR—Thank you very much and thank you for going to the trouble to come here today to give us that late submission. We are very pleased on our side that we have been able to avail you the opportunity of coming here today and getting your views on the record on this matter. Thanks very much.

[3.01 p.m.]

CROSBY, Mr Jack, Public Officer, Yirra Badoo Aboriginal Corporation and Public Officer, Retta Dixon Home Aboriginal Corporation

ROMAN, Ms Susan, Chairperson, Yirra Badoo Aboriginal Corporation

CHAIR—The committee has received a submission from the Yirra Badoo Corporation and we thank you for that. We have authorised its publication and it forms part of the record of proceedings of this inquiry. It is numbered 22 on our list of submissions. Are there any amendments or alterations you wish to make that submission?

Ms Roman—Only the typing errors.

CHAIR—Thank you. I did not pick up the typos, but English has never been my strong point. I invite you to make a short opening statement. At the conclusion of your remarks I will invite members of the committee to address questions to you.

Ms Roman—First, as Larrakia people and traditional owners of this country in and around the Darwin area, we welcome the members of the committee to our country. Thank you for giving us the opportunity to meet with you. In this statement, I will summarise the points made in our submission to this inquiry and provide additional information to emphasise some aspects of the submission.

It may assist the committee to know who Yirra Badoo members are and why we regard this inquiry as important. In the early part of the last century, a Larrakia woman lived who had two children, one daughter and one son. Both of them were removed from her and detained in an institution known as Cullen Compound. The son was later sent to Alice Springs, to the Bungalows. Cullen Compound is a part of Darwin that is now known as the marina development of Cullen Bay. Yirra Badoo's children were taken from her for reasons that we believe had to do with a deliberate policy of destruction of the lives and culture of Aboriginal people and of effective genocide—although these days a few people try to say that it was a mistaken policy, that people at the time thought it was in the best interests of the children. No sooner had this woman's children been taken from her by the established society of the day than she was required by the same established society to work basically as a nanny to their own children, looking after them during the day.

There is an interesting historical piece of information about this that we would like to provide to the committee. I have a photograph here of a mural of one of the primary schools in and around Darwin here. It depicts an Aboriginal woman looking after some non-Aboriginal children. The mural's artist is one of the non-Aboriginal children depicted. The woman is Yirra Badoo, the same woman who had her children removed and also our grandmother. Her daughter was Lindy Roman, who had six children, five of whom were institutionalised in the Retta Dixon Home. This background is important in our attempts to provide the committee with information relevant to its terms of reference. We were people who were institutionalised in our own country. Our submission explains the additional trauma we suffered because of this. In some ways it was better for us being in our own country. Our grandmother fed her mother bush

tucker through the fence at night and our mother did the same for us. But being close to our country and being able to be a part of it was in some ways harder. The submission tries to explain this.

Our submission also states why we think that the government response to the recommendations of the report has not worked. In summary, being this separate group known as the Yirra Badoo, we are also part of the Retta Dixon institutional family. We are also part of the Kahlin Compound family, the Bungalows family, and we can also represent the fostered and adopted. We agree with the points made in the Retta Dixon submission. We have had no ability to have a say in what happens with the programs. The stolen generations people are not being part of the programs—and they need to be.

The Yirra Badoo submission makes two points that we have chosen to emphasise. One is the Link Up program. Part of it is about being able to return people to their families and country. There are lots of people here in Darwin with their own children and there are later generations. They should have the chance to return to their country. This is not easy and needs a lot of careful support. In addition to their needs, it would also help us, the Larrakia people, to get on with our own business. We want to restore our language. We have to contend with other Aboriginal people wanting to interfere with language programs that we have tried to get going in the past. We are still trying to develop these programs. The stolen generation money has gone to language centres that have nothing to do with the stolen generation people. Therefore we refer the committee to our submission's comments in this regard. We will answer your questions as quickly and as briefly as we can.

CHAIR—Thank you very much. I will lead the questioning by starting with your comments on the counselling service and the fact that stolen generation people do not have representation on the advisory boards. Are you really looking to be involved at an advisory level? You are not saying that stolen generation people do the counselling?

Ms Roman—It was our understanding that an advisory committee would be established. It should be more than an advisory committee; actually it should be something like a governing committee. To date we still have no proper representation on the committee that was set up with the counselling services at Danila Dilba.

CHAIR—I assume the counselling services are in place?

Ms Roman—That is right.

CHAIR—Are they working?

Ms Roman—It is my understanding that moneys for the counselling service are to provide not only professional counselling but also programs within that so that the different institutional groups can look at ways that are appropriate to them as part of their healing, and it is through not having representation on these boards that it lacks that part of it. We are looking at providing the support ourselves but, of course, in order to do that we need to have the resources. With healing, it is more than just having professional help through a counsellor; it is about

developing your own programs that are going to get you through that. Things like restoring graves—

CHAIR—Can we stay with the counselling just for now? I have a couple of questions on the matter of counselling that I think are more important. How many counsellors are actually here physically in Darwin—that is, counsellors specifically working on the stolen generation?

Ms Roman—I do not know.

Mr Crosby—I am not sure how many positions are with Danila Dilba—someone who knows may be in the room. I thought there may have been five for the Northern Territory, but I stand corrected.

CHAIR—That seems about right.

Mr Crosby—I think the fact that members of the stolen generations do not know is an indication of what people have submitted earlier: that there has been no contact between stolen generations people and the services that have been established to date, because there has been no involvement of the stolen generations people in the establishment of those services.

CHAIR—I accept that, and I have moved beyond that point to how they are working. My colleague, the deputy chair, has pointed out that the allocations were three for Darwin, one for Tennant Creek, one for Katherine and three for Alice Springs. What I was leading to is that we have taken evidence in other parts of Australia to say that the counselling services are perhaps not operating to the optimum in the sense that the individuals who have been engaged are there virtually alone. There is no backup, there is no support mechanism, and there is a burnout factor occurring where the people are just not able to keep pace with things. I am testing that theory here in the Northern Territory; I am hoping to test that theory here with you this afternoon. That was the sense in which I was asking the questions.

Mr Crosby—Members of this group and the institutional group that they are a part of—Retta Dixon particularly—have stated that people from the stolen generations are not using the counselling service. There is no ability currently to do what they feel should be done and needs to be done, and that is for one of them, one of the institutional family, to support the access to those services, such as counselling, that they need. But, because there is no ability for the institutional group to do that, to provide that support, the funds that go to those services will continue not to produce outcomes.

Senator PAYNE—I want to ask a couple of questions based on Yirra Badoo's submission. Firstly, on page 4, there is the heading 'Current situation', and you go through a couple of the important issues that we have been talking about. I want to ask about the statement that you make about the Northern Land Council not providing the means to assist Aboriginal people to go home to country—exacerbating one of the problems. Could you explain to me what you mean by that?

Ms Roman—It is my understanding that people who have been here in Larrakia country since being institutionalised have sought assistance with going home from the Northern Land

Council, and that has not been successful. The arguments generally given are that they are not resourced to do it and that they are simply looking at land claims for traditional owners and what have you. They have made the odd comment to the effect that, 'If we've got a vehicle going out, you can hitch a ride,' but it is a bit more than that. In order for people to successfully go home to their country and their families, they need to be offered a bit more than just a hitch in the car. Means need to be provided for the support of those people. Somebody else, whether it be another institution—

Senator PAYNE—Do you think that is the job of the land council?

Ms Roman—Whose job is it?

Senator PAYNE—I am asking you. This is why we are here: to ask these sorts of questions.

Ms Roman—Up until now, it has been nobody's job to do that. We saw a means of perhaps the land council being that source to do it, and it has not happened. There is an old lady in Djaninga—Djaninga is an aged care place—who still has not been connected back to her country. Who is responsible for linking her back to her country and family?

Mr Crosby—A submission made by the Stolen Generations Northern Territory to the Reeves inquiry within the Northern Territory into the Land Rights Act went to some lengths to discuss what the definition of 'traditional owner' under the act constitutes and the disparity between that and its interpretation by the land councils in the application of the act, particularly in relation to land claims under the act.

Senator PAYNE—We might have a look at that submission, thank you.

Ms Roman—I think the next sentence on that one that you just—

Senator PAYNE—I was just about to ask you about that, Ms Roman.

Ms Roman—To us, that is more to the point.

Senator PAYNE—Sure, but I was wondering what it meant also?

Ms Roman—I understand that you do not have the history of Larrakia people and the divisions that are here; however, because there have been no means to assist people who, over the generations, have stayed in this country as a result of institutionalisation, people are just assuming that they are Larrakia, and the Northern Land Council makes no effort to actually look for these people's country. Larrakia people know who are their country, who are their people, and by allowing non-Larrakia people to be on their claims and to get recognition for native title and all the rest of it creates a lot of hardship and divisions for us as a people. We thought it was within the land council's act to ensure that proper people claimed for country proper, but that does not happen. So that next statement is something that we have found very hard to persevere with.

Senator PAYNE—In relation to some of the comments you make, again, in counselling, would I be right in saying that your concern expressed on page 7 of the submission is that, whilst the provision might be made on paper and in actuality of counsellors who are available, your concern is about a lack of cultural appropriateness—that is to say that you are not having the opportunity to have input into how the programs and the services are designed, and so whilst they might physically be there, it is not necessarily helpful to you?

Ms Roman—As I wanted to say earlier, it was our understanding that there was this component of looking at designing programs within that in order for stolen generation people to deal with this. The problem is not having any input into the design of programs that we feel that would be more appropriate to deal with our pain and coming to terms with getting past all of that. There have been efforts made to ensure that stolen generations are represented on that advisory body so that we can look at developing our own programs within that service, but that has not been too successful.

Senator PAYNE—What exactly has not been successful?

Ms Roman—Establishing the advisory committee with stolen generations input in order for us to design our own programs that are appropriate to us.

Senator PAYNE—Specifically here in Darwin?

Ms Roman—Yes.

Senator PAYNE—In this whole process you mention the importance of—and I hope I do not use the incorrect terminology here—both your traditional families and your institutional families. On page 8, at the end of the middle paragraph, you say that people must be linked up to country with the support of their institutional families and that no other group of people can do that for them. How should that be incorporated in the efforts that are made to link families?

Ms Roman—This gets to the point of the comments that were made earlier with regard to stolen generation people through their institutions being allowed to be in control of the Link Up programs. As it stands now, that is not the case. As it currently stands, should a person be linked back there is not always the opportunity for that person to be accompanied, by people who understand all of this and who can support them, back to the country and to their families. That is what we mean by having institutionalised families to do that. For example, with regard to the decision that was just passed down, we were all supporting our institutionalised family member, Lorna Cubillo, who was one of the plaintiffs. Even though we are not related, we are what we call, and consider very strongly to be, ‘institutionalised families’. Wherever possible, we are always there to support each other, no matter what it is.

Senator PAYNE—On page 10, in relation to accountability and input from the stolen generations communities, you say that, when concerns are raised with ATSIC, the responses are predictably the same, that all that ATSIC is interested in is that funds have been acquitted and that there appears to be no monitoring or accountability to government. What is your experience of that?

Ms Roman—Do you have all day?

Senator PAYNE—The chairman, not to mention the other committee members, will get very angry with me if we take as long as that.

Ms Roman—When it comes to different agencies being funded to do things on our behalf, there are so many things. When we question the appropriateness of it, generally the response we get from them is, ‘So long as they acquit it; we do not have a problem with it.’ They do not necessarily look at the outcomes, and they certainly do not look at the involvement. For example, take the funding of Link Up. With regard to looking at what it is that the community wants, the stolen generations, in their five-year strategic plan which was developed as a result of very broad consultations throughout the whole of the Northern Territory with the stolen generations, say what should happen with programs with all of this. They clearly state what should be happening, whereas when we asked about where the consultation has been with regard to the current link up through KARU, what is the community saying? Where is the strategic plan? Nothing seems to exist. However, ATSIC is quite satisfied. So long as they acquit it, they are satisfied.

In to trying to access our rights in native title stuff, we ask for help and we get told there is funding going to the representative body. However, because we are in huge conflict with them, they are not prepared to assist us financially. We make requests to ATSIC; we put all the stuff in. Their response to us is that, so long as they acquit it, they are happy with it, and it just goes on and on. I can tell you many stories.

Senator CROSSIN—On page 6 of your submission, you talk about language programs that prop up existing units or school programs not being allowed to continue, but you go on to talk about Aboriginal languages that are not at risk being a benefactor of these funds. What languages that ought to be getting these funds are being excluded?

Ms Roman—When you look at exactly where the language money is going to, the moneys that came from the recommendations are going to the already established language centres. Blind Freddy can see who the end users of those language centres are. Believe me, they are not language centres that have stolen generations as their clientele or their end users.

Senator CROSSIN—I guess what I am really looking for is an identification of which specific languages are at risk that need assistance.

Ms Roman—For example, in regard to our own language, the Larrakia language, we no longer have any living person who can speak the language. Fortunately for us, I have spent many years over the years before we lost all our language speakers to get some 700 hours on tape of our language, of our kinship system and a whole lot of stuff. We have put in a submission and we were not successful for this financial year because the money is going to already established language centres. I thought the recommendation of the report was to look at that sort of stuff. The Larrakia language is in dire straits and looks like being totally lost if funds are not available for us to get that together.

Senator CROSSIN—Is what is in question here the fact that the existing language centres are getting the funds or the fact that they are not targeting languages that are at risk?

Ms Roman—Jack is going to answer this for you, but I just want to tell you that we do not even have a language centre here in Darwin. They are everywhere else—

Senator CROSSIN—Yes, I know the closest one we are talking about is what Batchelor is doing. What I want to know is whether you believe there should be separate language centres established or whether you believe the existing ones should get the money only if they are going to put that towards languages at risk.

Mr Crosby—The problem of the language programs as funded in response to the *Bringing them home* report is the same problem that exists with counselling and Link Up and family and parenting and the archives, that the stolen generations people who are the target of the programs have been totally excluded, at every step of the process, from having anything to do with the design of the programs. That is totally contrary to the principles that have been accepted since the Royal Commission into Aboriginal Deaths in Custody of how programs have to be initiated, designed, implemented, monitored, evaluated, et cetera. It has not happened with the language. There has been no attempt for one dollar of the language money, in response to the Mick Dodson's report here, to involve stolen generations people in any aspect of the design, delivery or outcomes of that language money.

To answer your question more directly, it can occur in those existing centres but it isn't, and the reason it isn't, which I was just relating, is that those structures, those organisations, have not bothered with even a token attempt at consultation, let alone genuine involvement. The same applies to these other programs. I think you will find that a whole heap of material was attached to Retta Dixon's submission indicating the lengths they went to through their own resources to support this point.

CHAIR—I just make the point that we will hear from them next week, but we have got a time problem, so let us not seek to duplicate that.

Senator CROSSIN—I have got one other question that goes to the family and parenting programs. You make a statement on page 8 that the programs administered by the Commonwealth did not have a profile in the Aboriginal community, let alone the stolen generation community. Can you elaborate on what programs you are referring to?

Ms Roman—That is right—what programs?

Senator CROSSIN—Are we talking about, say, family and domestic violence programs? What particular programs that the Commonwealth administers?

Ms Roman—We are talking about the family and parenting one. We met with them and put in a request in order to develop a program within our own institution to look at the family problems we have, but nothing happened. They did not even want to know about it.

Senator CROSSIN—Are you saying the programs do not exist in the Territory or that they exist but are not advertised and have no profile? What exactly is the criticism?

Mr Crosby—The amount of money that was allocated for family and parenting went to the Commonwealth department for allocation to programs. Attempts were made to meet with the department to have a say in what was going to happen to that money—and we are talking solely about the stolen generation's money coming out of the response to the report.

Senator CROSSIN—Out of the \$63 million?

Mr Crosby—Yes.

Senator CROSSIN—You are saying they do not have a profile.

Mr Crosby—Those attempts to be consulted also met with no result.

Senator CROSSIN—Is your submission to us that the family and parenting programs do not exist in the Territory?

Mr Crosby—No, of that little part of the \$63 million that went to family and parenting, a fraction of that that may be being expended in the Territory, but despite attempts—phone calls, writing, meetings and letters—to find out what was happening and to have some kind of say in the process, people were able to have no say at all. They do not know what is happening with that money and therefore are unable to link their people to those programs, if they are running yet after two years.

Ms Roman—We saw that as a very important program to help us move on. You must appreciate that in an institution you do not have the experience of growing up in a family unit. As a result of that, you lack a whole lot of living and social skills. When we turned 18 and they put us out on the street, a lot of us, if we did not go into marriages immediately in order to find ourselves a secure nest, had other things happen. To this day, comments are made by people of my generation—I am a grandmother—that because they did not have any family and parenting skills, they did not know how to sit and be cuddled. In effect, they did not know how to sit down and cuddle their own kids and they cannot do the same with their grandkids. There are all these living and social skills that were never learnt. As a result of that, as families go through the generations, they are repeating the same things. You hear still to this day how women have problems with getting into this normal life.

Senator RIDGEWAY—One of the things that the committee is charged with looking at is assessing or at least forming an opinion on the federal government's response to the *Bringing them home* report and the recommendations. I have had a look at your submission. You might be able to confirm this for me, but there does not seem to be any mention of the role that the Northern Territory government play in relation to this, which is one of the things we have to assess. From comments that were made this morning, I keep getting the impression that silence or good comments in relation to the Northern Territory government seem to be suggesting that, on the question of services being specific to the stolen generations and being provided

adequately through whatever organisation, they have no role to play or do you think they do have a role to play? Are they part of the process that has led to the current circumstances?

Mr Crosby—I heard the earlier comments. My thought at the time was that those kinds of comments come out because it is a way of stark comparison with what is expected up here. The fairly stock standard response from approaches by institutional groups to the Northern Territory government in relation to standard services is that currently stolen generation issues are being addressed by the Commonwealth. They do provide some one-off crumbs from the table to groups that approach them in certain cases and not in others. They did respond quite comprehensively on the question of archives. It was a specific stolen generations matter and is deeply appreciated by the stolen generations groups up here. However, in relation to the particular needs that are identified in the current response and more widely in the recommendations of the report, it has been very much a hands-off situation. In the minds of some, there is an opportunity there for the specific stolen generations issues that need desperately to be addressed to be taken up by what is in some quarters painted as having a capacity to be the equivalent to the state government. The opportunity exists for the Northern Territory government to demonstrate that and by and large it is not happening, because they have washed their hands of it.

Senator RIDGEWAY—So, following on from that, you would consider that the Territory government does have a role to play and that currently is not being fulfilled?

Mr Crosby—Yes, absolutely, because these services are part of what different components of the population need. The stolen generations components' specific needs have been clearly identified in this report and for some reason it seems to be accepted that the equivalent to a state government can wash their hands of it.

Senator RIDGEWAY—On page 10 of your submission, you say that, in all of your attempts to be involved in monitoring the recommendations and looking at the implementation of programs, you have been thwarted from the outset. Does that equally apply to the Northern Territory government, by inaction or no comments at all, or are there direct things that have been said?

Ms Roman—In this instance, I was talking mainly about things from the *Bringing them home* report. The programs that have been established for that have been thwarted.

Senator RIDGEWAY—I understand what the submission says in that context. One of the things that I do not walk away with—and maybe I am looking for some answer that might settle the question—is an impression that what we are talking about is intra-competition for limited resources. One of the things I want to avoid is looking at a recommendation that deals with who should get what cut of the pie and who should not. Should the Northern Territory government be doing more, for example? That is the question really.

Mr Crosby—Sue wants to make one brief comment to answer that but has asked me to state that, in their view, they believe that the Northern Territory government has a clear role to play. I think part of the perplexity that you might be experiencing is that, whilst these responsibilities are usually taken up more readily in other regional—that is, state—governments around the

country, there is more of an ethos up here of that not happening. It applies to the stolen generations and, in the minds of some, to Aboriginal affairs more generally.

Senator COONEY—Can I go to page 69, recommendation 6.2.3. Is that your submission? I hope I have the right one.

Ms Roman—No, that is the Retta Dixon submission.

Senator COONEY—Perhaps you could take a look at the Retta Dixon submission because, arising out of it, I want to ask whether or not you agree with it. It says that a process of review of the recommendations of the HREOC report should be undertaken. Would you agree with that? It goes on:

This review process should have three goals:

- (1) to ascertain the wish of the stolen generation community regarding the HREOC recommendations;
- (2) to cost the recommendations; and
- (3) to prioritise implementation of the recommendations.

The review should also enable the possibility of alterations to the recommendations.

Given the sort of evidence we have been getting today, that seems to be a very sensible sort of submission in that it is one that you would look at. I just wonder whether or not you agree with it.

Ms Roman—Yes.

Senator COONEY—But I will ask them about the detail.

Ms Roman—Yes, you do that.

Mr Crosby—Chair, Yirra Bandoo has one specific item that will take about one minute.

Ms Roman—Throughout the course of today's hearing, I have heard several questions being asked regarding the slice of pie or what sort of monetary compensation there should be. Surely it would not be hard to see there being a model where institutional groups start to be looked at as real players in this. If there were an opportunity for X amount of dollars over X amount of years to be put into a trust for community groups to get on with doing their business, it would meet the needs of a lot of members of the stolen generations. They could get on with their own business of doing programs in the way they see fit at a fraction of the cost of what is being outlaid. This is as opposed to when you ask the question, 'How much should a person be compensated?' There are models that you can look at.

There is one other point that I want to make regarding the church, if I can. You mentioned 'caring' and all the rest of it. If it was a bad thing, why were they still on the staff? I got sent away. I was fostered out as a very young teenager to a big family with young children in

Victoria. I went to them and became the eldest and was used very much as a domestic, although I was supposed to have been sent away for the purpose of education. My schoolteacher could see that I was extremely unhappy and made efforts to befriend me. Unbeknown to me, the school teacher's husband was also the minister who oversaw the whole region. So, even though I was in Newborough and he was in Morwell and was not the specific minister, he oversaw it.

They then took steps to remove me from that place, by virtue of the fact that he was a Presbyterian minister who was a part of this whole scheme. Once he had done that, once he had me in their care and understood for the first time what was going on—because he had had no idea of what was going on, the practices that his church was involved in—he then divorced himself from the church, the whole lot of it. He did that as a result of what he could see was happening to one very small girl in the middle of nowhere, away from her whole family and friends and country and all the rest of it.

CHAIR—That one small point that you wanted to mention has now become two and is now becoming quite long.

Ms Roman—And that is the end. But what I would say is that fortunately some do walk away.

CHAIR—Thank you very much, Ms Roman and Mr Crosby, for your attendance here this afternoon and for the assistance you have given to the committee. We are deeply appreciative of it, thank you.

[3.57 p.m.]

CUMMINGS, Ms Barbara, Member, Stolen Generation Corporation, Chairperson, Retta Dixon Corporation and Deputy Chair, Yilli Rreung Regional Council, Aboriginal and Torres Strait Islander Commission

ALLEN, Ms Marie, Member, Retta Dixon Corporation

CHAIR—Welcome. The committee has received your written submission. We have authorised its publication and it is No. 11 on the records of the inquiry. Do you wish to make any amendments or alteration to the submission?

Ms B. Cummings—No.

CHAIR—I invite you to make a short opening statement to speak to the content of your submission. At the conclusion of your remarks, I will invite members of the committee to address questions to you.

Ms B. Cummings—I will just make a short statement. It was very difficult for us to come back here and face you all. We have had two major court cases now trying to show that something terrible has happened to us, and each time the judicial system has rejected us. We have worked hard for the last five or six years, we have been done over by the inquiry and now we have been done over by the judicial system. It appears very difficult for us to have any more faith in the system that is to assist us in dealing with our displacement. Marie, do you want to say anything?

Ms Allen—No, I just support Barbara's comments.

Senator COONEY—When you say 'the inquiry', do you mean the Human Rights and Equal Opportunity Commission?

Ms B. Cummings—That is right.

Senator COONEY—That was because—and correct me if I am wrong in what I put to you—although the commission tried very hard, it did not quite get to where you wanted it to get in terms of the stolen generation itself and giving the stolen generation some possession of its own issues. Is that what you are saying?

Ms Allen—That is right.

Senator COONEY—And that, as far as the stolen generation goes, people are showing concern about that, but even though they are showing that concern, the various institutions and people to have control of what happens to them are institutions and people other than themselves. Is that right?

Ms B. Cummings—Yes, that is right.

Senator COONEY—As far as the court case goes, the facts as found were very disappointing because they led to the result that has been led to today; is that right?

Ms B. Cummings—Are you talking about today's judgment?

Senator COONEY—Yes.

Ms Cummings—I do not understand what you are saying, Senator.

Senator COONEY—Are you going to have a talk to your lawyers about that?

Ms B. Cummings—Yes. We will consider an appeal.

Senator COONEY—There would be parts of the *Bringing them home* report which your association would agree with?

Ms B. Cummings—Yes. There were a number of recommendations that we agreed with. Our complaint is the distribution of the existing funds.

Senator COONEY—It seems to me a lot of this comes around because of the way people think about it. Have you ever thought that the people caught out in the stolen generation were actually people of a particular sort? There seems to be a tendency to say, 'These people are Aboriginal,' or 'These people are people with white fathers,' and what have you, rather than looking at them in terms of people themselves who have got their own desires and own abilities to do something about their situation if given a chance. Have you thought that people look at it that way properly?

Ms B. Cummings—I do not know, Senator. But it was a very distinctive issue here in the Northern Territory that, unlike other states, there was a distinct policy that separated children who were not of full descent. We have lived in those institutions as children and the greatest majority of us identify with those institutions as replacement families. Does that answer your question?

Senator COONEY—I think it does. In your own words, what would you like to see happen if you were in control of arranging what was going to happen?

Ms B. Cummings—First of all, as I have said to the Senate earlier, we have designed a system and a program that would give empowerment and decision making within their own group. It would be a reference group that would have a coordinator who would assist those groups in reaching whatever goals they wanted regarding projects that they wanted to implement that would concern them. The coordinator would also assist any outstanding adoptees and look after those people who did not go to a particular institution. But, from my research, I believe that the greatest majority of children who were displaced, whether they be adopted or fostered, would fit into those institutional groups.

Senator COONEY—Would you see the actual administration of those initiatives being done by people from the stolen generation themselves—

Ms B. Cummings—That is right.

Senator COONEY—or would you get outside help that you would control.

Ms B. Cummings—If we need the experts, we would apply for those experts to come in and assist us.

Senator COONEY—So that if a decision was made it would be made by somebody from the stolen generation; that person would have legal, medical advice and all sorts of other advice available to him or her, but at all times the person from the stolen generation would be in control of what was going on and would make the decision in the light of the advice?

Ms B. Cummings—That is right. We were always saying that we needed to have a worker or a couple of workers within our own groups that would be spokespersons on our behalf and assist those groups to develop projects that would deal with their displacement.

Senator COONEY—Having taken all that advice and having considered it amongst whoever you wanted to consider it, in the end the final decision either for better or for worse—it might be the wrong decision; nevertheless, whichever decision it was going to be—would be made by the people affected?

Ms B. Cummings—That is exactly right.

Senator COONEY—Would you expect that funding for that system—so that you could get proper advice and put yourself into a position to make a wise decision—would come from the community in which these people suffered, being channelled through the government to yourselves?

Ms B. Cummings—That is right. In the current system, the funding that is allocated now does not anywhere near ensure the empowerment or the delivery of appropriate systems for us as victims.

Senator COONEY—As I understand what you are saying, that funding need not go through ATSIC or anywhere else; it should come to institutions set up by and for the stolen generations?

Ms B. Cummings—That is right.

Ms Allen—The fact of the matter is that ATSIC has a famous word: ‘outcomes, outcomes, outcomes’. The way that I see it is that, in the way that these programs are going to be delivered, there will be no outcomes. We have a fear that it will end up the way that RCADC has ended up—the Royal Commission into Aboriginal Deaths in Custody. It has not done anything. Our people are still hanging themselves in jail.

Senator COONEY—We were on this this morning, Ms Cumming. You took it along this path—that the people who actually suffered should be the ones who are put in control of the decision making process without there being any intervening bodies whatever—

Ms B. Cummings—Yes, that is right.

Senator COONEY—whether from the Aboriginal community or from any other community.

Ms B. Cummings—That is right. It is all part of the healing process. We are very distinct, separate institutions. They have their own business and we have our own business. It all relates to our displacement.

Senator COONEY—Insofar as the *Bringing them home* report says that ATSIC and all these other bodies ought to be in for the decision making, you would say that, with the greatest respect to the *Bringing them home* report, that part of the report is not in accordance with what you say?

Ms B. Cummings—No.

Senator PAYNE—Ms Cummings and Ms Allen, both of you have been here throughout the day and have heard a lot of the questions, particularly in relation to Link Up, but I think in your submission it is the first time I have actually seen a very specific comment about the problems that are identified with its operation here—that is to say, the agencies funded to provide Link Up services have counted as Link Up cases those instances where they have dealt with children under the Northern Territory government's welfare program. That is a very specific suggestion as to why it is not achieving what it should be. Ms Cummings, could you comment on that for me, because it is the first time it has been raised in that context.

Ms B. Cummings—The Commonwealth was in control until self-government in 1976. After that time, in 1983 the NT government created their own separate child welfare legislation and implemented an Aboriginal child placement principle under section 69 which ensures the appropriate future placement of Aboriginal children. I do not believe for a second that there are thousands or even hundreds of adoptees out there waiting to be linked up. I believe that we have done the majority of link ups and I believe that the current system is looking after children that were born after self-government. They have allowed it to become a sort of pan-Aboriginal type service which deals with people other than us. However, we believe that money was due to us born under the Commonwealth.

Senator PAYNE—If the committee was to seek specific details, would you be able to provide us with any?

Ms B. Cummings—Yes, I think so.

Senator PAYNE—To flow on briefly from Senator Cooney's questions, on the next page of your submission you suggest that it would be a cost-effective measure to resource functional groups—meaning groups like your own—to employ a community worker for the purposes of linking stolen generations clients to stolen generations programs. That seems to me like a perfectly simple, perfectly logical approach to take. I believe that is part of your strategy which is appended to this document. Is that something that happens in the administration of other programs in the Northern Territory now?

Ms B. Cummings—No, not really. ATASIC, which delivers programs, is very much mainstream. I think this is a new concept of trying to create some sort of ownership and empowerment for the individuals. It is something that we developed ourselves. We believe that is the only way we can achieve some reparation from the past regarding our business. We have always told the Link Up program that if there is an extra fare for the Link Up girl to take somebody home then that extra fare should be given to the victim's choice of whoever. We have said continuously that if we are going home, back to our country or our mother's country or wherever, then it should be our choice of who to go with. I would take my sister before I could take a stranger. That is the reality. I grieve with my sister, not with a stranger—somebody who is appointed, who does not come from my background, who will not feel the emotions that I feel when I go back and start dealing with why I was living here, why my mother was living there and so forth.

Senator CROSSIN—I want to thank you for coming back this afternoon; I appreciate how difficult that is for you. There may well be an argument run before us that a lot of people connected with the stolen generation groups are duly elected members of ATASIC. Do you think that ATASIC and other organisations are aware, for example, of the need for you to have the money and to have control over the money? Secondly, as I said, a counterargument I think we are going to hear is: a lot of stolen generation people are actually elected on ATASIC so why is it not already happening?

Ms B. Cummings—A couple of us have only just got onto the ATASIC board. On my part it was through sheer frustration about how ATASIC operates: we had worked so hard and, at a commissioner's level, the funding was given over to the existing service delivery organisation. That was always the intention right from the beginning, but the fact is that that existing organisations did not share those resources and has made no attempt to include us in that decision about how that money should be spent. The few of us that were not in ATASIC and are in ATASIC now have tried, with very little success, to mount arguments about the unfair distribution. However, I am aware that the full zone agreed that we should have the funding and so did the local ATASIC council. It was at the commissioner level and central office that something went wrong.

Ms Allen—I think the fact of the matter was that the funding decisions were taken out of the hands of the regional council here because no-one had the guts to make a decision at this council and so it went straight to Canberra and the decision was made there. That also flies in the face of an elected regional council that endorsed it first of all—that the stolen generation should be the body that receives this fund.

Senator CROSSIN—The funds are being channelled out of ATASIC's central office in Canberra, not through the regional councils; is that correct?

Ms B. Cummings—No. We just endorse it and it is approved and distributed from Canberra from the commissioner level.

Ms Allen—No-one in the Darwin office wanted to make a decision—the ATASIC administration or this regional council.

Senator CROSSIN—Have you had a chance to look at the evidence that ATSIIC provided to us when we first started about two months ago now? Have you had a look at the transcript of their evidence? Jenny Pryor was the ATSIIC commissioner who appeared on behalf of ATSIIC. Is she briefed in any way by the councils in the Northern Territory?

Ms B. Cummings—I have known Jenny Pryor for over 20 years, and I was involved in the snake issue secretariat with Jenny Pryor. I read those transcripts and I was quite surprised. But they are far removed from our business here. It is up to our commissioners to lobby on our behalf. It is at the commissioner level that the story is taken from the local regions to Canberra—and, of course, something terrible happened there.

Ms Allen—The regional council endorsed it and approved it, and the board of commissioners did not follow it through.

Ms B. Cummings—Yes.

Senator CROSSIN—On page 12 of your submission, there is reference to an alternative system. If you feel you do not want to answer these questions because of the situation this afternoon, I will understand. Your submission goes to upholding people's rights to access the courts system if they want to, but you say that you are unconvinced about a proposal to have a tribunal that might consider compensation claims. Is that still a position you have?

Ms B. Cummings—Yes. My only concern with the tribunal is that the tribunal has to take all areas. You can go to a tribunal and state your facts and whatever, but it worries me that our situation is so wide there have to be some exemptions to ensure that those issues that normally do not fit do fit. That is our concern: is it safer to go to a tribunal or is it safer to go to a court? We do not want to have to be stripped bare like Cubillo and Gunner, but there must be a process whereby we can express our anger, our frustrations and demand some sort of reparation.

Senator CROSSIN—Have you had a look at what has happened in Canada and South Africa where they have set up a tribunal situation and people are not put through the rigorous processes of courts, rules of evidence and cross-examination?

Ms B. Cummings—Yes.

Senator CROSSIN—Is that something that you think we should be directing the government to look at?

Ms B. Cummings—Yes, I think that is the way to go and that is what we have been talking about for some time but based, I think, on the van Boven principles.

Senator RIDGEWAY—You have already clarified one of my issues and that was about the tribunal suggestion. But, if I can take you to page 13 in your submission, I just want to clarify something. It will be more for the record than anything else. In the fourth paragraph down, you mention that the Retta Dixon Home does not consider that item 3 of recommendation 14 applies to any extent in the Northern Territory. I go to recommendation 14 and see that it is about monetary compensation being provided to people affected by forcible removal under the

following heads, and item 3 is pain and suffering. Can you clarify what you mean in your submission by that, or am I just misreading something here in the report? I am not sure why you picked out item 3 in recommendation 14.

Ms B. Cummings—I have forgotten now. We had such a hard time with that.

Senator RIDGEWAY—Do you want to take that question on notice and perhaps give us a supplementary?

Ms B. Cummings—Yes, we could put that in a supplementary.

CHAIR—Thank you for taking that question on notice. On behalf of the committee, I thank you for your attendance this afternoon. I understand that the decision, as handed down, will have some impact. If you or your organisation feel the need to put to the committee a supplementary submission in the light of perhaps what is perceived to be a changed circumstance following that decision, we would welcome it. But we would want it in certainly by the end of the month, when we are scheduled to conclude our series of public hearings.

Ms B. Cummings—Okay. Marie would like to have a couple of words with you all about her land rights issue that she has fought for for a number of years. Her brief story will give you a picture of the frustrations that we have with the land councils. I know they were here today discussing our business. However, they have had many, many years to deal with our business and they have chosen not to do anything about it. In fact, the last public meeting we had with them was in 1996. We told them we were not their free rent-we-crowd any more; we want our rights and we want them now. They offered to give us a lift back to our country if they are going that way.

CHAIR—Is it relevant to the terms of reference of this inquiry?

Ms Allen—Yes it is.

Ms B. Cummings—It is in regard to our displacement.

Ms Allen—The whole issue of the stolen generation was about the going home and stuff like that. It is in regard to that. I have gone home and I have gone back to my country and I have lived out there, but at such a heavy price to me and my family. The fact of the matter is that we are not considered black or considered Aboriginal because we do not have language and we do not have culture. We are excluded from being considered as rightful owners of country, whether it is from our mother or our father.

I went before the House of Representatives where I complained when they did a review of the land rights act. Nothing eventuated. Letters sent back to me from the Northern Land Council tell me that they recognise me as a member of a distinct family group from my patrilineal line, which is what the land rights act states clearly—that the strongest claim is on your patrilineal. I must be the only Aboriginal person in this country that has been excluded as a top TO. The anthropologist and lawyers within the land council are a law unto themselves. They make the decision. They do not listen to Aboriginal people. They have told me that, yes, they recognise

me but it is generally accepted that my two cousins who come from my aunty are considered senior—I think by age, not by anything else, because I know that there have been a lot of people that have received traditional land through their patrilineal line as top TO. There has been a lot of correspondence. The land council refuses to answer. They have been part and parcel of the dispute.

The other thing I would like to say is that I support what was mentioned by one of the other members of the stolen generation. I do not support reconciliation in its present form until there is a reconciliation between black and black. I also would like to say that with the funds that have been given, especially with language centres, the focus is primarily on interpreting services for legal and medical reasons. This is for Aboriginal people who have English as their second language. They have not developed any programs to meet the needs of us. I am learning my language from the people I live with, even though money has been given to the Katherine Aboriginal legal language centre. They have no programs in place. Other stolen generation people do not know that they have the money there, because there is nothing forthcoming or sent out to other stolen generation people. They focus on people who have not lost their language. That is all I would like to say, and I think that is enough.

CHAIR—Thank you very much, Ms Allen.

An incident having occurred—

CHAIR—Order! These are proceedings of the parliament. They are pretty serious. We do not need the encouragement of the audience. I want to thank Ms Cummings and Ms Allen for their attendance this afternoon. We are appreciative of you giving up your time, particularly in the circumstances of your involvement in the actions in the Federal Court and the gravity of that decision and its impact on you and on the people from the association. We are deeply appreciative of you coming along.

Ms B. Cummings—I hope it has not been a waste of our time, I really do. We have done so much, and you are our last hope to try and deal with our business.

Ms Allen—Can you give us all our money?

[4.18 p.m.]

CUMMINGS, Ms Barbara, Member, Stolen Generation Corporation, Chairperson, Retta Dixon Corporation and Deputy Chair, Yilli Rreung Regional Council, Aboriginal and Torres Strait Islander Commission

DEY, Ms Karen, Senior Policy Adviser, Yilli Rreung Regional Council, Aboriginal and Torres Strait Islander Commission

CHAIR—I welcome representatives from the Yilli Rreung Regional Council. You have lodged a submission with the committee which we have received and published. It is numbered 66 on our record of submissions to the inquiry. Do you wish to make any amendments or alterations to the submission?

Ms B. Cummings—No.

CHAIR—I will invite you now to make a short opening statement and at the conclusion of your remarks we will address questions to you, but you have heard that before.

Ms B. Cummings—Senators, I was involved in establishing and helping to deal with this report to your inquiry. However, I am ignorant of most of the ATSIIC rules and decisions that were made over the last couple of years, but we have Ms Dey here who can assist with the questioning on ATSIIC's roles and responsibilities.

CHAIR—My colleague has reminded me that it might be useful if we had a short explanation of what Yilli Rreung Regional Council is, to get it into perspective.

Ms B. Cummings—It is an Aboriginal word from the Larakia group. It has something to do with meeting place. I am not sure of the exact interpretation.

Ms Dey—Yes.

Ms B. Cummings—Apparently, I am right. It was given to the ATSIIC council that deals with the Darwin and urban regions.

Senator PAYNE—So this is actually an ATSIIC submission?

Ms B. Cummings—Yes. It is a Yilli Rreung Regional Council submission.

Senator PAYNE—It is an ATSIIC regional council submission?

Ms B. Cummings—That is right.

CHAIR—Ms Dey?

Ms Dey—I do not wish to add anything at this stage, but I am here to answer any questions about the process over the last two years.

CHAIR—Recommendation 1 states:

That Stolen Generations Representative bodies at a regional State and National level be funded at sufficient levels so as to be able to undertake representative, research and administrative functions.

Perhaps you could develop that to explain it more.

Ms Dey—I am not prepared to do that on an ATSIC national level, I am sorry.

CHAIR—Is this not a submission from the national level?

Ms Dey—Do you mean in regard to this submission?

CHAIR—Yes.

Ms Dey—My understanding was that Councillor Cummings was going to address those sorts of questions relating to the submission.

Ms B. Cummings—We will have a go. Our former chairperson is unable to be here. She must have been called back to work urgently. Certainly, I will do my best, Senator.

CHAIR—Could you explain recommendation 1 on page 3 of the submission.

Ms B. Cummings—Do you want me to say that I agree?

CHAIR—Do not ever tempt me to put words in your mouth! I think that the recommendation requires some explanation. It seems to me that it is pursuing a theme different from what we have received in evidence from other places in Australia or even in evidence from what we have received in Darwin today. I appreciate that there are some difficulties about attendance, that you do not have the required people. If you are not in possession of the detail, that is fine.

Ms B. Cummings—The funding is not sufficient for us to undertake some really serious research or administrative functions. The allocations of certain programs would have to be expanded to include other issues. We still believe that there must be some form of reparation, including monetary reparation.

CHAIR—Where do the resolutions of the Yilli Rreung Regional Council go within the ATSIC stream? Do they go directly to Canberra?

Ms B. Cummings—Yes, if it applies to national money. Otherwise, if they have recommendations at a local level with a report which will not affect national money, it will not go.

CHAIR—Do you know whether this submission was presented to ATSIC prior to them making a submission to this inquiry from a national perspective?

Ms Dey—No, it was not presented to ATSIC prior to the ATSIC submission.

CHAIR—Has it been brought to ATSIC's attention in Canberra at all?

Ms Dey—I do not know.

Ms B. Cummings—I am sure they would have sent a submission over to Canberra.

CHAIR—Do you mean that the regional council would have sent it to Canberra?

Ms B. Cummings—Yes, our secretariat may have sent a copy to Canberra. I am not sure, but it is quite a possibility. We received a copy of the commissioner's report, and I would say that they probably received a copy of ours.

CHAIR—Do you have knowledge of whether or not what is in here has been endorsed?

Ms B. Cummings—No, we do not know whether it has been endorsed. Our council has endorsed it as a document to present to you.

CHAIR—Other ATSIC regional councils made submissions to the inquiry which were referred to by ATSIC when they appeared before the committee. They were all directed to stolen generations, obviously, but, from memory, I cannot recall the ATSIC representatives making any reference to a submission from Darwin when they appeared before the committee in Canberra—and they were our very first witnesses to the inquiry, incidentally.

Ms B. Cummings—No.

Ms Dey—As I recall, Senator, initially when the inquiry was to be held and submissions were called for, I attended a meeting with the Yilli Rreung Regional Council, and they specifically agreed that they would do an independent report to ATSIC. They had many reasons for that. The ATSIC administrative arm was asking regional councils if they wanted input to the national report through the state office or if they wanted to go about this independently, and Yilli were very clear about doing an independent report and engaging somebody from outside to assist them with that. So it is likely that, prior to the oral submission, people in ATSIC in Canberra had not in fact seen it. But I can only guess.

CHAIR—I am asking those questions in the context of the reality that ATSIC have distributed some of the Commonwealth moneys which impinge on some of the recommendations put forward here. That is what I am trying to get my mind around: what you are recommending and what ATSIC accept as a recommendation and will implement. In fact, they have the power to implement some of the recommendations from this particular regional council, and they can do that without the advice of a Senate committee.

Ms B. Cummings—The main complaint with the inquiry was those four or five issues specific to the community: the Link Up allocation; the language money; the medical service money; and the archives stuff, the old history stuff.

CHAIR—ATSIC do not have the history money, or the archive money, but they do have the Link Up money?

Ms B. Cummings—Yes, and the language money.

CHAIR—But they had the language money before then.

Ms B. Cummings—Yes.

CHAIR—It was taken from one pocket and put in the other, wasn't it?

Ms B. Cummings—It was just top-up to existing services, similar to the royal commission deal.

Senator PAYNE—I am still confused about where this particular submission fits in the process. I do not have ATSIC's substantive submission with me, so I am not aware of whether or not this submission is consistent with that one.

Ms B. Cummings—No, it is not.

Senator CROSSIN—Just to try to clarify that, Ms Dey, I think you said that ATSIC central office in Canberra gave regional councils the choice to either—

Ms Dey—ATSIC central office went to all its state offices and said that the inquiry was coming up and that it intended to put in a national submission. It asked us if we would like to have input into that, which we did. The state office in Darwin actually sent its information to Canberra and then some of that was incorporated in that report. But, at a local level, we then went to regional councils and asked, 'How do you want to address this? Do you want to be part of a Darwin report, or a Territory report, that goes through the national report or do you want to do this independently?'

You would appreciate that some of the criticism of us is that things operate very differently in Canberra from Alice Springs, for example. In fact, ATSIC has recognised that and decentralised its national body and the programs are now all out in the different states around Australia. These kinds of situations are one of the reasons why ATSIC chose to go that way. Often people, particularly those in the bush, are not as well represented as they would be if the information was coming directly from the community.

Senator PAYNE—Ms Dey, in what capacity are you here? Are you part of the Yilli Rreung?

Ms Dey—No. I work for the state policy centre, but I have been involved in the Northern Territory and the process of Link Up funding over the last two years. My capacity here is to support Councillor Cummings.

Senator PAYNE—You have been here for some hours, I gather.

Ms Dey—Not some hours. I have been here for a couple of sessions.

Senator PAYNE—Do you accept the criticisms being made of Link Up by successive witnesses today and how it operates in Darwin?

Senator COONEY—You might have to be a bit careful here. I think what you are saying, Ms Dey, is that you are here as an adviser, not as a decision maker.

Ms Dey—Yes, I am.

Senator PAYNE—Chair, we have before us a submission that runs to in excess of 70 pages. It is a comprehensive submission which puts a lot of material on the table. I do not think it is unreasonable of me, as a member of the committee—who, like all of us and many people in the room, has been here since 9 o'clock this morning—to try to determine how it is we can get responses to the specific questions on this submission and who is able to provide us with those responses. If I cannot do that, Chair and Senators, then that makes this very challenging.

Senator CROSSIN—The Territory government were very successful this morning.

Senator PAYNE—Senator Crossin, I do not think that is entirely relevant. I really am concerned to move through the recommendations. For example, I want to know the witnesses' views in relation to the compensation questions, but I am not sure in what capacity I am asking witnesses those questions. I am simply seeking to clarify that.

Senator COONEY—I think Ms Dey is in somewhat the same position as a public servant at an estimates hearing. You are not allowed to talk about policy; you are just an adviser. Is that right?

Ms Dey—Not necessarily. One of the reasons it was seen to be appropriate that I come is that I have been part of the selection of the service provider for the Northern Territory. Having listened to some of the sessions this morning, I was going to suggest that it might be of use to this committee if I were to write a brief outlining the entire process for the Northern Territory. I have heard it come up several times that there is some confusion or questions about how that actually happened, in the Top End particularly, and how the stolen generations appear to have been left out of that process. I think that information would be valuable, although it would take me a good half an hour to explain all of that to you now. I could write a brief that might explain all that.

CHAIR—To come back to where the recent confusion started; as I recall it, Senator Payne asked you a question about criticisms which had been directed to the Link Up organisation here in Darwin and whether you are in a position to comment on—

Senator PAYNE—To comment on the validity of those criticisms.

Ms Dey—I am not sure what criticisms you are actually talking about, because I have not been here all day.

Senator PAYNE—Okay. Let me begin with the one which appears in the submission from the Retta Dixon Home Aboriginal Corporation, which I asked Ms Cummings about in the preceding session:

In the NT the agencies funded to provide Link Up services have counted as Link Up cases those instances where they have dealt with children under the NT Government's Welfare Program. Our fundamental concern remains unaddressed.

Ms Cummings responded to that in the previous session. Can you tell me whether that is the case, and if that is the case, whether that is regarded as an acceptable situation?

Ms Dey—Is it relevant for me to comment on the Retta Dixon report?

Senator PAYNE—It is about Link Up.

Ms Dey—Can you give me that particular phrase again, talking about welfare?

Senator PAYNE—The agency that provides Link Up services here counts as Link Up cases those instances where they have dealt with children under the Northern Territory government's welfare program.

Ms Dey—The ATSI guidelines for the Link Up program state that any person removed under past or present government laws is entitled to be part of the Link Up process or part of the Link Up funding service provider. That has been a very strong argument in the Northern Territory, which you did hear, for example, from Retta Dixon, but ATSI guidelines state that any person removed under the government policy is entitled to be part of this service. What I would say about Karu from an ATSI perspective is that, although we do hear criticisms about it from time to time, it always meets its performance indicators in terms of ATSI being a funding body.

Senator PAYNE—What are the performance indicators; do you know?

Ms Dey—No, I do not, sorry.

Senator PAYNE—Is it not the case in funding these particular services that there is meant to be a focus on people from the stolen generations as we know them and as this committee is considering them for Link Up?

Ms Dey—That is definitely the perception, but it is perhaps where ATSI has failed in some respects to clarify that. That is where I guess we hear a lot of criticism about the initial consultation with the stolen generations group. The Darwin office actually wrote to Canberra when they were putting in their submission to say that we acknowledge that the stolen generations have never been properly considered. We try through various processes—social and cultural funding—to give the stolen generations groups in the Territory some access to small amounts of funding that we can get our hands on for specific projects. In terms of long-term ongoing projects, no, ATSI has not acknowledged them in that way and we are not overly happy about that in the Northern Territory.

Senator PAYNE—In recommendation 2 in the Yilli Rreung Regional Council submission about compensation, you suggest that the quantum of funds should be increased to provide for full reparation, including monetary compensation to the stolen generations. I am wondering how you suggest that should be progressed? Should it be through a tribunal or through the

courts? Do you have any specific amounts in mind? What process would you put in place for testing the veracity of claims?

Ms Dey—That would definitely be a question for the councillor.

Ms B. Cummings—I answered it before when we talked about some form of tribunal, but of course the majority of recommendations have not been responded to. Funding should be increased to pick up those other recommendations, including some form of monetary compensation, if the government can give that without having to go through some judicial inquiry to get it. Certainly, it does not meet the needs of the complete groups of stolen Gs.

Senator CROSSIN—In awarding the tender moneys for Link Up, is there some provision that says a local regional council or the state body cannot consult with the stolen generations as to who would be the most appropriate service provider?

Ms Dey—I do not understand the question.

Senator CROSSIN—We have heard submissions today from stolen generations people that when ATSIC awarded the funds for Link Up services—in the Territory I understand there are two services which have those funds—they were not consulted about which was the appropriate body to get those funds. Did ATSIC not consult with the stolen generations people and if not, why not? Is there something that precludes them from consulting with the stolen generations people about awarding these funds or were the funds simply given out from Canberra without any consideration?

Ms Dey—What happened last year when the enhancement funding became available was that the minister had stated a preference for one service per state or territory. However, he had said that in the Northern Territory he appreciated that things were quite different in Central Australia from the Top End and, therefore, he would be happy for there to be two service providers, provided they could be linked together with some sort of advisory body, which was to be determined.

ATSIC was very conscious that there were competing interests in the Top End. So right from the word go, when we knew the funding was about to become available, we did start to talk to the stolen generations group and to Karu, who were the existing body, and provided funding—well we got the funding from Canberra—but applied for funding to have a proper mediation process, in an attempt to have one service provider in Alice Springs and one service provider in the Top End that could be fully representative. This was in January last year; we started a mediation process which broke down very early in the piece.

There was then no choice other than to go to expressions of interest from the organisations. When those expressions of interest were received—this is the long story that I was avoiding telling, but I will go ahead, if that is all right—the Central Australian stolen generation family group and the Northern Territory Stolen Generation Aboriginal Corporation in the Top End put in a joint submission with the Central Australian Aboriginal Child Care Agency which had the existing funding for Link Up at that time. They came up with a proposal which said, if they were to receive the funding, that Central Australian Aboriginal Child Care Agency would hand

over to the stolen generation in the central area and that they would work and develop an MOU with the Northern Territory Stolen Generation Aboriginal Corporation in the Top End. The other submission came from Karu and a separate submission came from Anyinginyi Congress in Tennant Creek for their own Berkley area.

Those submissions were put through a normal ATSIC risk assessment process in each of their regions. The state office did an assessment from our perspective and then the whole lot was sent to Canberra and two independent assessors were brought in to do an overall assessment. That went to the board of commissioners who made the decision that Karu would be the service provider in the Top End and that the Central Australian Aboriginal Child Care Agency would be the service provider in the central area, with the understanding that they would hand over. Shall I go on?

Senator CROSSIN—No; I want you to clarify risk assessment procedures in your state offices. In your analysis about what you would recommend, do you consult at any stage with the stolen generation groups? I understand it would be pretty hard to consult with a group that also put in a tender, but was there consultation with Croker Island, Garden Point or Retta Dixon about what those people thought would be the best thing to do for the Top End?

Ms Dey—At that point, the stolen generation corporation represented most of the institutions. At that very point—and correct me if I am wrong, Councillor—I believe Retta Dixon had moved away from the organisation and Croker Island, so they were out of that equation. I believe Retta Dixon are back in the corporation—I am not too sure about Garden Point.

Ms B. Cummings—Senator, I was looking after the Stolen Generation Litigation Unit at the time when this all occurred. I can assure you there was a very unfair process that occurred in the issue of the assessment. We had been at the forefront, as I said, making all the statements. The thing is, too, that we went to a mediation at ATSIC's request to try to resolve differences between us and the Karu board. However, it failed because Karu did not turn up. Therefore, it went to a tender process which was totally unfair to us, knowing that we did not have the appropriate infrastructure and that it would automatically go to the existing service. At no time also, at the commissioners' level, did they ever ensure that the Link Up program included us. So we sat out on the side for the last five years while other people reaped the benefits, and they were allowed to do that.

Senator COONEY—Ms Dey, do you know how much in the way of resources—money or otherwise—has gone to individual people from the stolen generation and who those individuals are?

Ms Dey—Of the Link Up funding?

Senator COONEY—No, just any funding that has gone to people from the stolen generation so that they have actually got something in their hand.

Ms Dey—The councillor is saying 'no individual', and I would agree with that.

Senator COONEY—Is that just in the Northern Territory? What about throughout Australia?

Ms Dey—I would not know.

Senator COONEY—But certainly not in the Northern Territory?

Ms Dey—No.

Senator COONEY—So a fair conclusion to draw would be that nobody in the Northern Territory from the stolen generation has actually got any reparation or compensation?

Ms B. Cummings—All the money that was allocated went everywhere else, except into the stolen generation bucket.

Senator COONEY—That includes the \$63 million?

Ms B. Cummings—The whole lot, yes. We have been given financial assistance and in-kind support continuously from the state government. ATSIC has been responsive on other matters. However, it appears that we have lost our case with the funds relating to Link Up.

Senator COONEY—ATSIC is able to say that, is it? You can say on behalf of ATSIC that no money has come through, as Ms Cummings has described?

Ms Dey—To individuals, no.

Senator COONEY—Thank you very much.

CHAIR—Ms Dey and Ms Cummings, thank you very much for your attendance here this afternoon and for the assistance that you have given to the committee. You will be provided with a transcript of this afternoon's proceedings, and you will be able to check that for accuracy of the comments that were made. I understand you have been caught short, with one of your colleagues not turning up, so if you feel the need to supplement or further explain what you were questioned upon here this afternoon, feel free to do so, but please do it before the end of this month. Thank you.

[5.17 p.m.]

ANDERSON, Ms Patricia, Executive Secretary, Aboriginal Medical Services Alliance of the Northern Territory; and Chief Executive Officer, Danila Dilba Medical Service

GALLACHER, Mr James, Executive Officer, Aboriginal Medical Services Alliance of the Northern Territory

CHAIR—Welcome. Do you wish to add to the capacity in which you appear before the committee today?

Ms Anderson—I am a second-generation stolen generations person. My mother was imprisoned in Khalin, my six cousins went to Croker Island and my older sisters were at Garden Point.

CHAIR—Thank you. The committee has received your submission. We thank you for that submission. We have authorised its publication. It is numbered submission No. 37 on the records of the committee's inquiry. Do you wish to make any amendments or alterations to the submission?

Ms Anderson—I think you only have a letter dated 17 March.

CHAIR—Nonetheless, we have received that as a submission. I was going to question you about the additional information you were going to provide.

Ms Anderson—We do have a completed submission here which we will table. We also have it on disk. Unfortunately, we were not able to get it to you prior to this hearing, and we do apologise for that. Through you, we are going to address ourselves directly to the terms of reference and then perhaps talk about the operations of the social and emotional wellbeing centres located within the AMSs.

CHAIR—In regard to the submission itself, how many pages is it?

Ms Anderson—Fourteen—brief and to the point.

CHAIR—Yes.

Ms Anderson—Fourteen.

CHAIR—Yes, 14 is brief and to the point—it is briefer than 24. The difficulty will be in the length of time it would take to read it and we cannot authorise its publication until we ourselves have had a look at it. Do you have a spare copy of it that we could perhaps—?

Mr Gallacher—We have got copies of it here and a copy of it on disk. I do not have enough copies for each of you, Senator.

CHAIR—We may be able to get copies here. That was why I was asking. If you could address the key points in the submission rather than reading all of the submission, we could proceed through.

Ms Anderson—I was not going to read the submission, rather to address the terms of reference and to pick out some of the detail for your information from our submission.

CHAIR—Thank you, we are thinking along the same lines then. Please proceed.

Ms Anderson—Yes, Sir, we are. First of all I would just like to make a statement re the court decision today. We support what Barbara Cummings has said already. I just want to add to that though. It now appears that, as a result of that decision, our Prime Minister can no longer hide behind the courts. Now some political decisions will have to be made so that we can move this matter forward. I think the trauma of the dislocation has been very evident by sitting here through the whole of the day and being at the courts today at two. It has been a very divisive issue for the whole town. People are hurting. I think you are getting a glimpse of the trauma, the pain and the dysfunction during the course of today. People are really distressed and that distress will continue until this matter is finally resolved and people do get justice in some form. I would endorse what Barbara said in so far as this committee might possibly be a way forward in that respect.

AMSANT, as you may or may not know, is the peak body. I have got several documents to table. This has already been sent to you on 17 March and sets out what the organisation is. It is a peak body representing 14 of the Aboriginal community controlled medical services in the Northern Territory.

AMSs around the country have, for the more than 25 years that we have been in operation, believed that it is our brief to heal mind, body and spirit. Services have been advocating for a number of years and lobbying very extensively for counselling and healing services to be core business of delivering comprehensive primary health care and we have been relatively successful in that regard.

I think what is getting lost, although Senator Ridgeway did point to it earlier, is that there are in fact two lots of money. The emotional and social well-being centres located within the AMSs were operating before the inquiry. There was an infrastructure there and they were already established and operating. They were inadequately funded but nevertheless they existed prior to the Sir Ronald Wilson inquiry into the stolen generations, so that needs to be made very clear.

The other point I would like to make at this point is that the *Going Home* conference of 1994 that was organised here in Darwin by Barbara—it was her idea—was actually organised out of Danila Dilba Medical Service. We provided all the infrastructure for quite a number of months and provided all the support for that to occur because we did see that even then as core business.

The committee of management of our AMSs, our patients, our clients, our supporters, our staff, myself and other directors included, are all stolen generation members. Most people here in this room and any other rooms you are going to go to in the Northern Territory are in fact

stolen generations. That is a bit of a background to do that. What I might do now is just address myself to the terms of reference. Do you want me, Chairman, to read them out?

CHAIR—No, we have got copies of those here.

Ms Anderson—Our response to No. 1 is that the government's response to the *Bringing them home* report has been absolutely and totally inadequate. The lack of funds has very clearly caused a lot of tension within the communities. It has been a very poor attempt and I think that is patently clear. It is a question of resources and of money—it is just not enough. It is causing even more distress and trauma within our communities as a result of that very, very poor response to a huge problem which affects the nation state, not just the people in this room and the people you have been speaking to. I think it is wider than that and goes to the very heart of the psychological nature of Australians today. It is just not adequate and more has to be done. Needs have to be met, as has been clearly stated by everybody who has been in front of you here today. You can see the damage that has been caused by the very limited resources that have been given in the *Bringing them home* report.

Our response to No. 2 is that the most appropriate way for the government to deal with Aboriginal people is to deal with us as equals and through a process of negotiation. There has to be a better way to deal with us. There needs to be some dramatic difference in the way in which you deal with us, if you like. You can call it a treaty or whatever word you may like to use, but it is now time. We can no longer keep scratching around on the periphery of Australian society. We have to be allowed in and it is your responsibility because you have the power to allow us in. If you are really serious about making ways forward and putting up policies and programs for Aboriginal people, please negotiate in a mature and civilised way. Everything that we have done to date just has not worked.

Our response to No. 3, once again, goes to the heart of proper process of negotiation, and that has to be found. There are some processes that the AMSs have been relatively successful with in terms of getting ourselves as equal partners to a negotiating table where we can negotiate proper funding for our services. We have done that and I believe it can be done again. There are examples of that with the framework agreement, the health forum and so on. AMSANT sits at that table with the Commonwealth and with the state in an arrangement in which there is good and bad but nevertheless there is a place where we can discuss and negotiate.

Our response to No. 4 is that it is totally inadequate, as I have already said. Although the aims of the Council for Aboriginal Reconciliation are admirable, the federal government, in fact and in reality, has largely ignored anything that the council has said or done, despite people like Sir Gustav Nossal and so on. They do not count for anything in that particular arena. That has been totally inadequate as well.

Our response to No. 5 is that I think it is very clear the government's response has been largely inconsistent with the hopes and aspirations and needs of the stolen generations and their descendants. We have seen terrible division here today. Because it has been so inadequate, we are now faced with the terrible situation where Aboriginal people, even stolen generations people, are arguing over small amounts of money. With the Link Up money we are talking about peanuts. We are not talking about millions of dollars. It is just appalling the money that

these programs have. We are talking like it is a big fat cow, but in fact it is hardly any money at all. We are fighting and fighting but when you look at the figure we are talking about maybe less than \$100,000. It is just ridiculous.

In relation to the social and emotional wellbeing centres, for Danila Dilba we have a reference group which we set up prior to the inquiry. The reference group consists of two people from the stolen generation, two people from the Danila Dilba committee of management, a representative from Wirli Wirlijang Medical Service in Katherine, and me and the head of the Social and Emotional Wellbeing Centre. We act as resource persons. The reference group was set up, as I say, with the Social and Emotional Wellbeing Centre prior to the inquiry so that we could discuss our programs—what we wanted to do, how we would do it and what we thought would work or would not work and so on. That reference group has been in operation for some time.

I have here, which I am going to table, Danila Dilba's strategic plan, which refers to the stolen generations in particular and I have highlighted those passages in red. I would also like to table two letters from the stolen generations dated 1996 after the Going Home Conference, which supported Danila Dilba lobbying and having counselling services, even though we had already begun lobbying along with everybody else for healing to be part of AMSs.

CHAIR—You have tabled those documents. We will receive them now. I do not think there would be any objection from any member of the committee to the tabling of them. There being no objection, it is so ordered.

Ms Anderson—We urge the committee to continue to make every effort to maintain and increase the current level of funding for the social and emotional wellbeing centres and to look at the needs in particular of the stolen generations groups because I do not think their needs are being fully met. I remind folk that the brief of the medical services is to care for our communities—their bodies, minds and spirits—and we have been doing that for over 25 years, despite limited resources in terms of having social and emotional wellbeing centres and healing centres. Jamie will add more about the AMSANT submission. I have gone a bit personal.

Mr Gallacher—I have a couple of quick comments. They go to the question of the competition for resources. I have been involved in working with a number of Aboriginal groups in Darwin in the Northern Territory for over 20 years now. One of the things that creates division within the community is the continuing competition that people have for the same small amount of resources. It is a point that we cannot in AMSANT stress strongly enough to the committee, that people are forced to compete for resources and, in essence, are forced to compete for resources that are often understood as rights by the broader community. That is all I have to say on that.

Ms Anderson—I would like to go back to one bit. On page 8, which you do not have, we have set out some figures. For instance, 33 per cent of the clients that we see at our centre have been identified as stolen generations and that figure is increasing. It was 43 per cent in October 1999, and we think that is a conservative estimate because often people may come in a time of crisis and we do not get information until we are further down the track of consultation that in fact that person is a stolen generation person.

CHAIR—Are you referring to page 8 of the supplementary submission you have put in now?

Ms Anderson—Yes. You will see that there are some figures in the very last paragraph.

CHAIR—Yes. When you responded to the terms of reference of the committee and said for item 1, for example, that the government's response was inadequate, were you saying that the Commonwealth government's response was inadequate or the Northern Territory government's response was inadequate? Are you looking just at the Commonwealth alone?

Ms Anderson—Both. This was a Commonwealth inquiry but the Northern Territory government has the responsibility. We are, after all, citizens of the Northern Territory and they have been woeful as well.

CHAIR—So do you agree with the responses of the Northern Territory government, who indicated in the main that there was no responsibility on the Northern Territory government because the Northern Territory was not an identity in its own right at the time the people were being removed?

Ms Anderson—I cannot accept that argument. The fact is that we are part of the population here in the Northern Territory now.

CHAIR—The question is: do you agree with the Northern Territory government's response?

Ms Anderson—No, I do not.

CHAIR—The Commonwealth government's response ranged over all of the recommendations of the report. They said that many of the responses were, for example, the responsibility of church organisations, of arms of government other than the Aboriginal Affairs departments or, in some cases, of ATSIC. Do you agree with those responses or are you addressing only those responses that are related to the funding matters—the seven initiatives—that were announced in December 1997?

Ms Anderson—We are like displaced persons; no-one wants to take responsibility for us. The fact is that we are here and all of us in this room live here in the Northern Territory. We are like lost tribes out there—wandering and saying, 'Please take me in.' They all have a responsibility. This happened; no-one is to blame any longer. This is the situation now and we have to deal with it. I do not think it is appropriate for the Northern Territory government to say—

CHAIR—I went past the Northern Territory government when I asked that last question. I asked it in the sense that—

Ms Anderson—I do not understand the question, then. I am sorry.

CHAIR—You are saying the government's response was inadequate. There were 40-something recommendations in the *Bringing them home* report. The government responded to each of them in many different ways. In some instances—and I will use the colloquial term

here—they folded their arms and said, ‘That is not a Commonwealth responsibility.’ I am asking you the question: in the context of the submission that your organisation has put to the committee, are you addressing only those issues that were the subject of funding in the government’s response to the report on the seven funding initiatives or are you making a global response to all of the responses of the government?

Mr Gallacher—I think we are doing both, Senator.

Ms Anderson—Yes.

Mr Gallacher—I do not think it is either/or.

CHAIR—Thank you for clarifying that. Moving on then, is the Social and Emotional Wellbeing program in Central Australia, which you mentioned in your report at page 11, the only wellbeing program in the Northern Territory?

Ms Anderson—No. There are two social and emotional wellbeing centres in the Northern Territory: one in Congress, Alice Springs and one in Danila Dilba, Darwin. However, there is one stolen generation counsellor located in Anyinginyi Congress in Tennant Creek and one in Wirli Wirlijang in Katherine. Of the initial 59, I think, counsellor positions which were allocated out of the inquiry, the quota was eight for the Northern Territory, and they were distributed that way. That was the process that was done at the Northern Territory Aboriginal health forum.

CHAIR—Forgive me, I have not read all of your submission, but it seems to me that you are concentrating mainly on one program here. Are you addressing all of them?

Mr Gallacher—The submission talks about the Social and Emotional Wellbeing service, which we regard as a generic term for the two centres that Pat has mentioned—one in the Top End and one in the centre—with the attendant counsellors that are in the other medical services in Tennant Creek and Katherine. So we regard the Social and Emotional Wellbeing service as a territory wide program. Those centres are located within Danila Dilba and Congress in Alice Springs.

CHAIR—Thank you for that. That is helping me a great deal. Are the people who use that service uniquely stolen generation people or immediate descendants of stolen generation people?

Ms Anderson—They are open for everybody. You really need to understand that those centres were operating before the inquiry. We have tried to run it seamlessly. We do not make a differentiation between those staff who were part of the original Social and Emotional Wellbeing Centre and those staff that we got as result of the distribution of the 59 counsellors. They are all in the social and emotional wellbeing centres.

CHAIR—And they are available—

Ms Anderson—And they are available to everybody. The services of the AMS, ours and our members, service our immediate community. In our case, Danila Dilba, we service the Darwin Aboriginal and Torres Strait Islander population. Some of our people are of stolen generations, as I have described to you earlier. Our board, our patients, a lot of our staff and I—it is the same for all of them—are, in fact, stolen generations people.

CHAIR—I have some more questions on this subject because I am learning things here. But I will ask only one more question for now and perhaps, after my colleagues have asked questions, I will come back to those other questions at a later time. The amount of \$17 million was allocated in the government's response to the emotional and wellbeing program. How is that distributed in the Territory? Are you able to advise the committee of what amount of funding from that \$17 million was received in the Northern Territory that went to the various forms of the program?

Ms Anderson—I do not know a figure. All I know is that, if you are talking about the 59 positions for the stolen generations, they came with salaries only. There were eight positions. There were some oncosts but no program money. So they were pretty lean pickings as well.

Mr Gallacher—I do not think the allocation of the \$16 million that you mentioned made \$500,000 in the Northern Territory.

CHAIR—I think we need clarification here. There was initially \$16 million in the government's response to fund nationally 50 counsellors; that has now been increased to 59. In addition to that, there was \$17 million to expand the network of regional centres for emotional and social wellbeing, giving professional support and assistance by counsellors. Do you know of that \$17 million, which is different from the \$16 million, to employ the counsellors?

Ms Anderson—The short answer is that I do not know.

Mr Gallacher—In the Northern Territory the medical services that set up the social and emotional wellbeing centres, as Pat has said, did so before the inquiry. When the inquiry recommended those positions, they took the counsellor positions and further boosted the establishment of the centres by begging, borrowing and stealing internally. The amount of money that the services have been able to access for the establishment of the centres has been very, very inadequate. As Pat has said, it has been for salaries and a very small amount of oncosts.

Ms Anderson—We had to find the money within our existing budgets.

Senator PAYNE—I have just had the same chance as my colleagues to briefly scan the document you have provided us with this afternoon. But you speak in that, as you have in your oral presentation, about the development of separate services for members of the stolen generations, and you reject that as a concept. From the evidence that we have received at length today, it seems to me that a lot of the concerns expressed by the representatives of the various stolen generations groups, whether the peak body or Garden Point or Croker Island, go to a lack of input from them on what they regard as their specific needs as members of the stolen generations. So, while some were advocating separate services, I asked several questions about

whether, if they had input in the provided services, that would address their concerns. Do you regard your system as having sufficient input from those representative groups and their members; and, if not, is that something you would be prepared to look at?

Ms Anderson—The AMSs are Aboriginal community controlled organisations. We are answerable to our community and we have annual general meetings every year. So they are like open forums, and anybody can go along and put their hand up. Several people who have spoken here today have been on the board of management of Danila Dilba and some have even worked for us. So it is the same people.

However, having said that—and this is a personal view—I think there is still room for the stolen generations to have some kind of organisation that could coordinate all their needs and their services so that the rest of us, when formally dealing with them in terms of service delivery, would have a point where we could go to discuss what they want. We have set up, as I have said before, this reference group. I think we have had one SG person actually attend for the emotional and social wellbeing centre. That has been disappointing for us because the whole purpose of that was for them to have input into our emotional and social wellbeing centre. But certainly I think there is a kind of slash and burn approach, once again, which goes to the heart of inadequate resources.

Senator PAYNE—What do you mean by that? I do not understand what you mean by ‘slash and burn approach’.

Ms Anderson—I think it is inadequate for the stolen generations to want to set up their own legal services and medical services. I think that would be a duplication because I am a stolen generation person too and so are most people who come to our clinics and who sit on our board of management. I also do not know what they mean.

Senator PAYNE—But you heard people here this afternoon say that they did not know anyone in their organisation or who came to their meetings who had access to a counsellor through your services for support or counselling, I guess, specific to their needs and concerns for a range of reasons—and we had a couple of those specified. I suppose I am asking whether in your operation you have enough flexibility to address that problem.

Ms Anderson—I think we are trying to. We have given 190 hours of counselling support to the court case whose decision we have just heard of today. In fact, all day Danila Dilba counsellors have been on call, and they will be all weekend. So I do not understand.

Senator PAYNE—You do not understand the evidence that was given to us by other witnesses here today.

Ms Anderson—All I am saying is that we have counsellors who have been providing services to the people who were at court, to Lorna and Peter, as well as to supporters and family and friends. That has been appreciated by the stolen generations group. I think you heard Maurie Ryan earlier today say that he was happy with the services that Danila Dilba delivered to the courts.

Senator CROSSIN—Can you clarify this for me: have all the eight counsellor positions now been filled and placed in the Territory?

Ms Anderson—Yes. There has been difficulty finding appropriately qualified people. But, yes, all of those positions have been filled, as I understand. I do not think there are any vacancies.

Mr Gallacher—There might be one vacancy in Central Australia.

Senator CROSSIN—So what is your view about whether or not eight is enough?

Ms Anderson—No.

Senator CROSSIN—No, you have not got a view or, no, eight is not enough.

Ms Anderson—No, it is not enough.

Senator CROSSIN—Why is that?

Ms Anderson—The longer we stay open, the greater the number of people to access our services. We have been relatively successful. People enjoy and are very supportive of the service. Some of the people from whom we have collected data have indicated that they are very happy and would prefer to come to Danila Dilba and to our service because there is that separation from the political and legal arm of the formal SG's group.

Senator CROSSIN—Have you made an assessment of what number would be anywhere near what you would need?

Mr Gallacher—No, we have not done anything formally on that. But I can tell you that, from talking to people, people feel that they could double the staff at the centres. That is not only to do with the fact that you need more positions. But what you do need is for the service to be able to be open a lot longer—and you would appreciate that people can only work a certain number of hours. There has been quite a deal of success with accessing the centres after hours and providing programs like that. But, when you have only a limited number of people, you can only be open a limited number of hours.

Ms Anderson—Yes, we are open from 8.00 a.m. to 4.36 p.m. So, if something happens to you on the weekend, you have to wait till Monday.

Senator CROSSIN—How many of those counsellors are indigenous people?

Ms Anderson—In terms of finding appropriately qualified Aboriginal people—and you would understand this only too well, Senator—a parlous state exists across Australia with the low levels of Aboriginal education. Having said that, we have several Aboriginal people who are holding those positions. They are as scarce as hens' teeth, Aboriginal people who are trained counsellors, social workers and psychologists.

Senator CROSSIN—I do not mean to suggest that you have not attempted to find Aboriginal people for those positions. But there has been the suggestion from other people who have provided evidence to the committee that that is a problem. Firstly, the preference is to have indigenous counsellors. Secondly, they are very hard to find because of the lack of training. Therefore, a position has been put that perhaps there should be the use of mentors or elderly people from the community. Unfortunately, they do not fit within the guidelines. Do you have a view about trying to expand a definition of what this counselling money could be used for?

Ms Anderson—Absolutely, and we looked at all of those things. I forgot to add that a component of the emotional and social wellbeing centres prior to the inquiry was that we would also train up Aboriginal people to become counsellors, social workers and psychologists as another part of our brief. We would have to put on trainees as part of that to train up Aboriginal people in a mentoring position as well. In that way, at the end of a period, at least this project would have left behind a pool of trained and appropriately skilled Aboriginal people. What we are doing is entering into a profession, if you like, that the Aboriginal population has not accessed very much before. What we are doing is taking the mainstream one-to-one psychology field and adapting and adjusting that to our needs and requirements.

In our case in the Northern Territory, our emotional and social wellbeing centres are part of a three-year research project of the cooperative research centre. So we are examining ourselves. It is one of the CRC's most expensive projects at the moment. They are looking at evaluating what we are doing as we are going along so that we can say at the end of it: this is who we are, this is what we have tried, this is why we have tried this particular modality, this is what worked and what did not work and why, and we offer it to you. This also is a very exciting aspect of the emotional and social wellbeing centres because it is such a new area for us. We have to take it, if you like, off the shelf and adjust it and adapt it to suit all the needs of our community. None of the other states are doing that, but that is what is happening here. So the emotional and social wellbeing centres have a training component, a mentoring program and we are looking at that component and we are also examining and evaluating what we are doing now so that we can adjust and adapt a whole new professional field.

Senator CROSSIN—Evidence was given on Wednesday by a group in Western Australia who run a sort of holistic approach, an emotional and social wellbeing approach, predominantly with adolescents and young people. It might be worth our providing you with that group's work because I thought it was quite impressive. Is there any provision under any of the money that has been made available to, in a sense, link up medical organisations or associations such as yours with the Perth mob so that you can swap ideas, or are you doing that anyway?

Ms Anderson—Yes.

Senator CROSSIN—You are doing that coincidentally but not under a specific national strategy.

Ms Anderson—We are doing that, but it is not so coincidental. OATSIH has regular roundtable meetings, as they are called, and all of those services that are doing all kinds of innovative things get together. So we are fairly familiar with what each of us is doing. People are very interested in some of the stuff that we are doing here because of the CRC project, but

also too because we are using traditional healers. Some of the places are already doing that, and that is something that we will be looking at as well. Of course, there are youth programs returning people to the land and older men mentoring younger men and so on and so forth. So it is a very exciting and dynamic area. But we are reasonably in touch with each other so that we do know what is happening in other centres.

Senator CROSSIN—We had a submission today that commented that the family and parenting programs that were part of the \$63 million response do not have an adequate profile, and not only here in the Territory but also amongst Aboriginal communities. Has that been your experience of those programs?

Mr Gallacher—Perhaps I can just briefly comment on that program. I think the special parenting program within the \$63 million was \$5.1 million. That means it was \$5.1 million nationally for parenting. If you take the number of people who need some assistance, I think what happened was that it was just done on a per capita basis throughout the country. I think in the Northern Territory they got something like \$85,000.

Senator CROSSIN—Even though in the Northern Territory we may well have had a significant number of people affected through the stolen generation policies?

Mr Gallacher—That is right. It was just done on a per capita basis. Again the point that Pat made earlier is the point that is worth bearing in mind: people are so desperate to argue about this money, but you are talking about \$85,000 for the Northern Territory.

Senator COONEY—To be fair, I do not think you want to suggest that people who have given evidence before you are simply arguing over \$85,000. I rather took their argument to be that there ought to be greater resources and that they are driven to this position—that is, the position where they have to say, ‘This is what we need to carry out the recommendations of the *Bringing them home* report.’

Mr Gallacher—And people are also driven to get the money, no matter how little it is.

Senator COONEY—I go to the *Bringing them home* report and recommendations Nos 34a, 34b, 35, 36 and 37. They seem to be the ones that deal with the issue of health, though in fairly broad terms. Have you looked at those? If you have, have you worked out how much they might cost at least in the Northern Territory? I do not suppose you can give us a view throughout Australia.

Mr Gallacher—Professor John Deeble did a report for the AMA, which estimated that the current need for Aboriginal health in Australia is \$250 million recurrent.

Senator COONEY—I know that this is a bit of a hard question, but what we have to do is report back on how Australia might carry out the recommendations of the *Bringing them home* report. You have given us that broad figure, which I think is very, very useful, thank you very much. But would you have any idea of what the one specifically referred to in the report would cost?

Mr Gallacher—I think we would be guessing.

Senator COONEY—In fact, do you have any comments on the recommendations in the reports? I ask you that because, if you look at 34a and 34b, they talk in terms of training rather than in terms of the immediate establishment of medical services. Recommendation 35 talks of training as well. Recommendation 36 talks rather in terms of establishing parenting and family wellbeing programs. But in terms of how you were talking before, that would seem to come within the framework of general medical provisions. Then recommendation 37 talks about prisoner services and establishing adequate health and medical services and family wellbeing programs and establishing preventative mental health programs in all prisons. Have you looked at any of that?

Ms Anderson—Certainly education and training are issues for all of us. You would be aware of the report of Bob Collins, which once again states how bad things are here in the Northern Territory. As I said, all the AMSs, for instance, are registered training providers. In our case, we are a quality endorsed training organisation. We train on site our own Aboriginal health workers, which here in the Northern Territory are para-professionals. They are practising clinicians. They have to be registered. They come under an act. They do everything except write prescriptions. They give injections. They do a whole range of things. So they are the frontline workers, if you like, in all of our AMSs. We are committed to that kind of training and have been for a number of years. We are turning out roughly, on average, eight to 10 in Danila Dilba and a smaller figure in the other services annually. So we do make a big contribution to education and training. Also, like I say, with the emotional and social wellbeing centres, we are taking on board trainees so that we can train them in that particular new area for us.

Senator COONEY—But what do you say about meeting the recommendations of this report? Would a lot more work need to be done, or are you almost there? What is the situation?

Ms Anderson—Getting training money is like trying to get blood out of a stone.

Senator COONEY—Do you know whether there is any consistent medical history in the mental or physical condition of people coming from the stolen generation? I am trying to look for some aetiology.

Mr Gallacher—There is a lot of current research throughout the world that talks about the state of people's health compared with their economic disadvantage. That connection is now being made solidly in international research—that is, that the more economically disadvantaged people are, the sicker they are. I can give you those references.

Senator COONEY—Thank you for that, but I was just thinking about people removed, no matter what their financial situation, and whether that tends to leave them more vulnerable to clinical depression or something like that. Would you know whether that was the case?

Mr Gallacher—We are not medical practitioners.

Ms Anderson—We can direct you to that research, which is very compelling and would perhaps shed some light on what you are getting at.

Senator COONEY—I am just trying to get a picture. You have been here all day, Mr Gallacher and Ms Anderson, and you have heard people saying, ‘Look, we’re the people who actually were taken or suffered from the fact that our parents were taken and, therefore, we’ve got problems.’ I would have thought there might be some sorts of medical conditions that arise. What they are then saying is, ‘Well, we ought to be looked at in our particular circumstance, not simply as part of a wider mass of people or part of a wider group. If compensation is to be paid to us and reparation is to be made, it ought to be because of what we have been through.’ I am just trying to gather whether, from a medical point of view, we can identify there being any pattern. I imagine that it would not appear in everybody, but I wonder whether there is a tendency one way or the other in the medical history of the people concerned.

Mr Gallacher—I could get that information and undertake to provide that to the committee.

Senator COONEY—Thank you. There is another thing I would be interested in. How many people from the stolen generation have been treated, say, at the Royal Darwin Hospital—and there is probably another one at Alice Springs and another at Katherine.

Mr Gallacher—Yes.

Senator COONEY—Are there any private hospitals in Darwin?

Mr Gallacher—Yes, there is a private hospital in Darwin.

Senator COONEY—I am wondering what the pattern of treatment there is.

Ms Anderson—I do not even know whether they keep statistics about—

Senator COONEY—About the stolen generation people?

Ms Anderson—I doubt whether they would keep statistics on whether you are stolen generation. They have difficulty with stats anyhow.

Senator COONEY—To tell you the truth, I saw some Aboriginal people last night around the Royal Darwin Hospital.

Senator CROSSIN—You have to understand that the private hospital has no accident and emergency facilities, for example.

Senator COONEY—No, but a lot of this trouble I think would be psychological, wouldn’t it?

Ms Anderson—As an amateur, I would say that of course there is a link between mind and body. We know that.

Senator COONEY—But Senator Crossin is saying that you would not expect them to reveal it. I do not know whether you would not expect them to reveal it. I would have thought that people who had been through this trauma may well reveal it perhaps.

Mr Gallacher—It depends, doesn't it, on how you want to draw the connection. If one of the stress related diseases of having been removed is a propensity towards higher levels of domestic violence and someone gets bashed, they will appear at accident and emergency. But I do not know that you can then say that they are appearing at the accident and emergency as a direct relation—

Senator COONEY—If you cannot say that, then what can you say about the way in which these people ought to be compensated? Leave aside whether people are Aboriginal or stolen generation or Greek or English or Vietnamese or what have you; if they are injured, there will be a series of symptoms shown. If it has been done through negligence, say medical negligence, there will be a way of compensating them, including an allowance for pain and suffering, loss of enjoyment of life and all these sorts of thing. It seems to me that if, as is suggested in this report, we compensate for disruption of family life, pain and suffering, loss of opportunities, abuse, including physical, sexual and emotional, we need to have some way of finding out those matters. Otherwise, unless there is some evidence of all of this, you might well find the problems that you found today.

Mr Gallacher—I can undertake to try to get you some of that material.

Senator COONEY—Just to give us some idea. Thank you very much for that.

CHAIR—Senator Crossin addressed some of the questions that I was going to follow up on about counsellors, so I will not need to repeat those. But one area that I do want to explore a little further is this: we were given evidence, I believe in Melbourne, about counsellors being appointed who in some cases had not been appropriately trained, and you have addressed some of those matters in answers to Senator Crossin's questions. The only disturbing evidence we were given there was about counsellors then not being given support. They were out there on their own as single entities, with no backup, no further support or props for them. What is the circumstance or situation in Darwin? I imagine that it would not be the same because of there being three counsellors in Darwin. But in Tennant Creek there is only one. Are you aware of what backup support is available to the counsellor in that circumstance?

Ms Anderson—I think that is a very good example for putting counsellors in existing structures so that they are not out there alone. We have more than three counsellors, as I keep saying. We have counsellors prior to the inquiry. So we have a larger staff than three. That is also the case I think in Anyinginyi; that also has extra staff. They are located within the services; they are not out there operating on their own. I am just talking about our services now.

CHAIR—You are only talking about Darwin?

Ms Anderson—No. I'm talking about all of our services. I think the same applies because there are all sorts of protocols about taking care of the safety of your counsellors. They cannot just be out there operating by themselves. There have to be proper protocols so that they are not in any danger. So I cannot speak about what happens in Melbourne, but we do make every effort here. That is the beauty of having the counsellors attached to existing services so that they can provide that backup and support.

CHAIR—That evidence was given to us in Melbourne but I am not sure that it was actually about what happened in Melbourne; it could have been in other parts of Victoria. But, nonetheless, that was the evidence we received.

Ms Anderson—Yes. I think that is an argument for not having single counsellors out there. But that is not the case here, to the best of my knowledge.

CHAIR—You have provided us with a submission. We have had an opportunity now to read it and Senator Payne is in a position to move that we receive and publish it. It is so ordered. It is now an official part of the records. Mr Gallacher and Ms Anderson thank you very much for your attendance here this afternoon.

Committee adjourned at 5.39 p.m.

