

30 September 2021

Sarah Redden

Secretary

Senate Finance and Public Administration Legislation Committee

E: fpa.sen@aph.gov.au

Dear Ms Redden

The Healing Foundation appeared at the Committee's inquiry into the Territories Stolen Generations Redress Scheme bills on 24 September 2021.

During the hearings, Senator McCarthy asked The Healing Foundation to provide advice about what the government could do to support applicants through the redress process, and I am pleased to offer the following for consideration.

The Territories Stolen Generations Redress Scheme is an important opportunity to contribute towards healing for Stolen Generations survivors and their families. It is essential that the processes underpinning the scheme contribute to healing and do no further harm.

The Healing Foundation has agreed to co-chair the external advisory group set up to support co-design of the redress scheme. We will contribute our expertise and experience in supporting Stolen Generations survivors and their families.

There are a number of essential elements of a trauma-aware, healing-informed reparations scheme.

Stolen Generations organisations must be an integral voice in co-designing and operating the scheme. This means that they must be properly resourced (with additional, ongoing resources) to:

- contribute to scheme co-design, monitoring and review
- reach survivors and families who are not already associated with an organisation
- support survivors and families to learn about and understand the scheme
- support survivors and their families during the application and assessment process including enabling access to financial counselling and legal advice
- support the ongoing healing journeys of survivors and their families.

Eligibility criteria and requirements must encourage survivors and families to apply rather than creating barriers or anxiety. This means:

- plausibility rather than 'proof' is sufficient for eligibility. This recognises that records about removed children were often scant, incomplete, inaccurate, or non-existent; and that in the case of the Northern Territory (in particular) may have deteriorated beyond repair or have been destroyed when Darwin was bombed or in Cyclone Tracey.
- survivors and their families should not be required to re-tell their stories if these have already been documented for other purposes

- the scheme recognises the range of legislative/regulatory regimes under which children were removed. For example in the NT from the late 1950s children were removed under welfare ordinances rather than 'Aboriginal' ordinances, but were still at high risk of removal based on racist interpretations of neglect and need. As a result, the AIHW estimates that in 2018-19, the number of survivors in the NT was in the order of 3,200, significantly higher than local estimates of the number of survivors removed before 1957.
- contemporary circumstances are not a barrier to successful applications eg payments should not be counted towards asset tests; people who are in the justice or health systems should be eligible
- applications should be assessed and payments made quickly; with priority given to elderly, frail and/or chronically ill applicants.

All elements of the scheme must be transparent and readily understood including:

- a transparent and rapid review process is available for unsuccessful applicants
- availability of advice and support from trusted advisors
- how apology processes will work
- how individuals, families and communities can access support for healing.

Experience from other redress schemes indicates that reparations for Stolen Generations survivors must be embedded in trauma-aware and healing informed processes, and delivered and administered by workforces who are skilled in trauma-aware and healing-informed approaches.

We thank the Committee for its commitment to making healing happen. Please contact me if Committee members require additional information.

Yours sincerely

Fiona Cornforth
Chief Executive Officer