

Reconciliation for Western Sydney

Submission to the Inquiry into the Stolen Generation Compensation Bill 2008

Committee Secretary
Senate Standing Committee on Legal and Constitutional Affairs
Department of the Senate
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Dear Sir/Madam

Reconciliation for Western Sydney is a community group that has been active in meeting with and supporting members of the Stolen Generations for many years. In this role we have come in contact with many Indigenous men and women who, despite their having been forcibly removed from their families under state statutory regulations, have, nevertheless, managed to carry on with life albeit with the effects of trauma as a result of their experiences. We feel, therefore, that we are competent to make a submission. Since the terms of reference relate to the Bill itself, we make the following comments.

- (a) The title of the Bill refers to 'Stolen Generation', while elsewhere the Bill (eg s3, lines 10 & 12) refers to 'stolen generations'. The latter descriptor should be used in the title and throughout the Bill since in many cases the impact of removal was generational.
- (b) Ref s 4(3) This section should be amended so that a person who received compensation via the NSW PIAC (or via any other means) is not ineligible for receiving any difference between the PIAC (or other) grant and the offer in the Bill.
- (c) Ref s5(b) 'similar legislation' may need defining. Would it be possible to include a schedule listing all state/territory legislation under which children were removed?
- (d) Ref s5(2)(a) If eligibility requires that the 'Tribunal is satisfied [that a person] was subject to duress by a state agency...', this would make ineligible many children taken into Church-run institutions. This restriction should be removed.
- (e) Ref s5(2)(b) Refer (c) above.
- (f) Ref s6(1) What Department? Is this the 'Department of the Senate'?
- (g) Ref s11 The amount of \$20,000 plus \$3000 for each year of institutionalisation is considered inadequate. Given that Australia is one of the ten most wealthy countries in the world, we can do better.
- (h) Ref s15(1)(e) The number on the Tribunal is not stated, only that 'at least three should identify as Aboriginal or Torres Strait Islander'. This section should state that a *majority* on the Tribunal should identify as Aboriginal or Torres Strait Islander. We would also suggest that at least one of the Tribunal members be invited from LinkUp or a similar organisation involved in reconnecting separated families.

Stolen Generations members with whom we have been in contact

Jenny (not her real name) was taken with three of her siblings, including a baby, when they were on their way home one afternoon in 1948 from La Peruse primary school. Welfare officers grabbed them and took them to three different and widely separated institutions across the state. Their parents died by the time they were released. One of Jenny's brothers was dux of the school and both parents worked. Though they lived in poor circumstances they were not neglected in any way.

Veera (not her real name) was taken to Cootamundra Girls Home and trained as a domestic. She was sent to a property where she was repeatedly sexually abused. On one occasion she managed to run away but was picked by the police and returned to Cootamundra. Being told that she would be sent to another property, she escaped again. Again she was caught and sent to Parramatta Girls Home where she was subjected to further abuse. One of the few stolen generation victims to be compensated (through the PIAC), Veera was awarded \$35,000.

Donna Meehan (name used with permission) was taken from her family at Coonamble in the 1960s. Her mother received advice from welfare stating simply that she should take Donna to the railway station on a certain date. The mother knew that if she resisted, the police would come anyway. Donna thought that the whole family was 'going on a train ride'. When the train pulled into the station, Donna and all the children from other Aboriginal families hurried on board. But when the train pulled out, the children saw their mothers, fathers, uncles and aunts crying and moaning on the platform. Donna was told that her mother didn't want her and her mother was told that Donna had been taken to New Zealand. Both statements were lies. It was 27 years before mother and daughter were united.

We have met with many men who as children were taken to the Kinchela Boys Home near Kempsey. This government institution was one of the most sadistic. As researcher, Peter Read, notes, the manager on one occasion was instructed by the Aboriginal Welfare Board, '*you must not be drunk on duty. You must no longer use a stockwhip on the boys nor tie them up*'. Bill Simon (name used with permission) recalls being 'sent up the line'. When a boy was cheeky or used his traditional language he would be sent up the line between two rows of boys who had to punch him so that by the time he reached the end he was bleeding. Any boy who didn't inflict enough punishment was, himself, sent up the line.

Many of these men today struggle to survive emotionally. As Bill relates, 'all love was knocked out of us'.

Justification for the Bill

We find it incredible that there are some who believe that compensation is not appropriate. While the government is to be commended for the apology it is regrettable that compensation seems to have been ruled out. We therefore applaud Senator Bartlett's initiative in introducing this Bill. When Bernie Banton won his \$4 billion claim on behalf of hundreds of Hardie employees who contracted mesothelioma no one considered it inappropriate – indeed virtually every one considered it a moral victory. (Unfortunately Aboriginal people who worked at the Oombulgurri asbestos mines were never compensated).

The Western Australia Government's \$114 million Redress Compensation Scheme currently on offer is intended to cover all those abused in state care including migrant children. While the government's initiative is commendable, it is an inadequate response for stolen generations children many of whom would be ineligible since they were taken into Church-run institutions.

As the Committee would be aware, the Canadian Government has recently signed up to a CAN\$1.9 billion compensation scheme for native Canadian children forcibly removed from their reservations and sent to 'Residential Schools'. The scheme has a number of components including \$10,000 for each child held in an institution plus \$3000 for each year spent in the institution.

Since the release of the *Bringing Them Home* report in 1997, many stolen generations members have been waiting patiently in expectation that *some* government would eventually apologise and offer compensation. While the apology was a major leap forward, unfinished business remains. We commend Senator Bartlett for his initiative and hope and pray that even if the present Senate rejects the Bill, it will pass after July.

Yours Sincerely

Lyn Leerson
Secretary, Reconciliation for Western Sydney