

**Submission to the Senate Standing Committee on
Legal and Constitutional Affairs**

**Inquiry into the Stolen Generation
Compensation Bill 2008**

**Prepared by the Maurie Ryan on behalf of
Stolen Generation People in the Northern Territory**

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Purpose:

This is a Submission from the 300 strong survivors of the forcibly removed children under the Native Ordinance Act 1910 – 1957 in the Northern Territory. We believe that the Government has an obligation to compensate the children that were removed at the times stated above.

Background:

The Stolen Generation group in the Northern Territory would like to respond formally to the Senate Committee into the Stolen Generation Compensation Bill of 2008.

The Stolen Generations of the Northern Territory believes that successive Commonwealth, State and Governments have not responded appropriately for transparently to the 'Bringing Them Home Report (1997). It is evident the allocation of the \$63 million in funding (1998-2001) as part of the Commonwealth responses has not benefited the Stolen Generations people of the Northern Territory.

An apology to the Stolen Generations from this Government is commendable but what does it really do for the people of the Northern Territory Stolen Generations. The Stolen Generations of the Northern Territory have travelled an emotional journey for sixty years or more. Such sadness, fear, hope and strong courage yet we still have not been compensated for these injustices.

History of the Northern Territory:

Aboriginal Ordinance 1911: Section 6-16:

This section was part of the Northern Territory Aboriginal ordinance 1913-1947. This gave powers to the protector of native Affairs at that time Mr Francis Herbert Moy. The powers to commit any Aboriginal "half-caste" to an institution in the Northern Territory until they reached the age of eighteen years (18). The powers granted by the Commonwealth of Australia to put 'half-caste children into church run Commonwealth funded institutions, creating the group now known as the Stolen Generations.

We are those that have been directly affected by the racial policies of the forced removal, put this Submission to the Senate standing Committee; for we need to tell our stories and the effects it has had on our lives. We have lived this ordeal and survived and some of us are very old, sick and tired of others talking on our behalf. 'Until you look through our eyes, walk in our shoes experience what we have gone through, please don't say anything on our behalf, please just support us'.

As anybody with a thinking brain or part of should understand, not every child that was placed in those institutions wants to write or tell their experiences. There were approximately 1.000 'half-caste' children placed in the Seven Institutions in the Northern Territory. At the "Bringing Them Home Conference

held in 1994 in Darwin there were about 600 remaining survivors and now we have about 300 in the Northern Territory. All of them have a story to tell some will never tell, they will take their stories to the next world. That is their right some never ever want this experience to ever happen again. Many of them relive this in many ways over the past fifty to sixty years of their lives.

The forcible removal of children was included in the definition of genocide adopted in the United Nations 1948 Convention on the prevention and punishment of the crime of genocide. The then Secretary General of the United Nations at that time pointed out that the removal of children from their parents forced upon these children at an impressionable and receptive age, was a great difference in their culture from their parents. It is said and believed that Aboriginal communities and families live and breathe the links to traditional lands, beliefs and is strong in culture and spirituality. Aboriginal families and children greatest teachers are the aunts and uncles as they are the powerful tools of passing on to the young about the traditions, ceremonies and Aboriginal society. How can you learn when you are removed at such an early age, these children forcibly removed from 1910-1957 were denied this strong powerful family connection, kinship and their rights as an Indigenous child of Australia.

Seeking Reparations for the loss, hurt, harm to all is one way of healing ourselves. Compensation may to some be a 'dirty word' as governments, individuals are afraid to use the word in case of a rush of claims.

Australia's wealth is generated off the land and seas of this continent called Australia. In any law on this planet and to the Indigenous Australian this country belongs to the descendants of those 390 plus Indigenous nations.

We the Stolen Generations; one section of the Aboriginal Society of Australia and throughout the Northern Territory have not benefited from its resources. Monies generated to the Commonwealth by the mining sector alone total some \$4.4 billion dollars in the Northern Territory.

How much is Australia worth? To treasury it's worth literally billions and billions of dollars to a point of zillions. Australia is one of the richest countries in the world. At a moments notice can an doe's end literally millions of dollars to aid to foreign countries; for example #390million dollars of wheat to a previous dictator in Iraq? Yet the Commonwealth cannot consider paying compensation to a portion of Australia's Indigenous peoples known as the Stolen Generations. Australian Governments can give aid to countries for many reasons, wars, famine, and natural disastrous around the world; yet it cannot compensate its own Indigenous peoples in their own back yard. This is a historical act, piece of Australia's history that happened in this century.

Governments in the past denied the very Aboriginal Ordinance Act, the Legislation affecting the Stolen Generations, hoping some day it will go away by doing nothing. This will not go away even if we die; this is the only logical reason we find the government have failed to restore. Compensation will not put Australia into bankruptcy; monies paid in a compensation package to Indigenous Australians remain in this country.

The Honourable Senator Mr Bartlett we thank you and commend you as an honourable man; by presenting your Members Bill 2008, giving the stolen generations time and opportunity to put what happened to us and our fellow incarcerated Stolen Generation claims in this Submission and a value or at least a small value on our affected lives.

There are many figures presented; \$20.000 plus \$3.000 for every year incarcerated; how much is everyone worth? To you yourself, your family particularly to your children it cannot be measured.

As an example look at the prisoner's in the Northern Territory jails that cost the taxpayers of this country figures of \$60.000 to \$70.000 dollars per person per year. These are people that have committed crimes against property, people and communities. We the Stolen Generations, have as our crimes being born brown; off springs of a white man and a black woman. Some of us were incarcerated in these Institutions, from childbirth until reaching the age of eighteen years.

Many of these children being preyed in the very places that hailed as a 'duty of care'; preyed upon like animals, harmless children by those that should have cared for them, the carers, some paedophiles, also sexually, physical and mental abuse. No-one ever convicted in a court of law in the Northern Territory compared to what happening today - Intervention.

Many children still have nightmares of these times and many afraid to tell anyone including their inmates for they would have been abused also. Many afraid to tell their stories and can't, they don't blame them, nobody should relive those horrors of their childhood experiences particularly in the Courts. We could write pages and pages, but the more we give the more it hurts, nothing will ever block this from our minds and souls, maybe only through death.

We are now small in numbers, the youngest being 55 years of age and the oldest about 82 years of age. We have gone by our use by date as statics go; but we would like for our children and grandchildren; we are the survivors with no help but for ourselves to each other the most disadvantage group, race of people in Aboriginal society.

Australia's 'full-blood' Aborigines are the most disadvantage people in Australia. These policies of forced removal have created the most disadvantage group in Aboriginal society, the 'half-caste' child who was placed in those institutions. These children were rejected by white society and rejected in some quarters by black society that the children came from.

The children were denied and opportunity to share in 60.000 years of the oldest culture in the world, including the following losses;

- Culture
- Language
- Songs
- Identity
- Art/paintings
- Dance
- Recognition
- Right to passage
- Right to participate
- Stories

- Right to quality of life
- The loss of Land, our families, mothers, fathers, siblings, uncles, aunts, grandparents, our clans and our tribes.

We don't share in Royalties that are generated from mines, ABA; Aboriginal Benefit Account, which has a balance of over \$20million and has not directly, benefited the Stolen Generations.

We also suffered from the following:

- Racial discrimination
- Arbitrary deprivation of liberty
- Pain and suffering
- Abuse, including physical, sexual and emotional abuse
- Disruption of family life
- Loss of cultural rights and fulfilment
- Loss of native title rights
- Labour exploitation
- Economic loss
- Loss of opportunities

We have been constantly behind the eight ball by Governments, including the responses to the "Bringing Them Home Report", the Government's response of \$63million dollars. Where did this all go? not to where it should have gone as this was initiated by the Stolen Generations Bringing Them Home Conference in the Northern Territory.

Institutions in the Northern Territory:

Note: There is no such thing as an orphan in traditional Aboriginal Society.

There were seven Institutions in the Northern Territory where over 1.000 children placed in these homes. They were run by church and funded by the commonwealth government. These institutions were opened at various times within the aboriginal Ordinance until closed their doors in the early sixties.

1. Croker Island Mission was a 'half-caste' mission located on the coast of Arnhem Land approximately 150kms by air from Darwin and run by the Methodist Overseas Missions. The people who grew up there only left the mission for medical reasons or when they turned eighteen years of age or went to another home interstate or to boarding school. Example; Lentare home in South Australia, a home in Sydney and Methodist Training College in Brisbane. We were never allowed to return to our homes and some never saw their parents and families again.
2. Garden Point Mission on Melville Island, run by the Catholic Church and is about 60klms north of Darwin.
3. Kahlin Compound was on the same sight of the old Darwin Hospital over looking Cullen Bay on Myly Point.

4. Retta Dixon Home on Bagot Road , Darwin run by the Aboriginal Inland Missions
5. Emerald Mission on Groote Eylandt near Angurugu community in the Gulf of Carpentaria.
6. St Mary's Near the Alice Springs Race Course runs by Australian Board of Missions.
7. The Bungalow the Old Telegraph Station, Alice Springs.

When children were in State care it was the job of the judicial arm to carefully scrutinise the evidence that the executive officers put forward in support of their claim that the child was in need of care, and also hear any alternative new evidence from family members or other persons. That review process never occurred for the Aboriginal Ordinance children. The decision were made and summarised with minimal record keeping at all or no record keeping at all. The result was that it was extremely difficult (sometimes impossible) in later life for adults who had been removed as children to trace a path back to their biological families and traditional communities.

Compensation:

We the Northern territory Stolen generation forcibly removed between 1910 – 1957 seek from the Commonwealth of Australia damages to a figure of \$1million dollars per person that was institutionalised in the seven institutions of the Northern Territory, under section 6-16 of the Aboriginal Ordinance for incontinence and loss of identity and what is known as all parts of Aboriginality.

The Apology with the word Sorry is not ENOUGH what was said on that Mementos Day of historical significance in Parliament in a Bi Partisan approach by the heads of Government; Mr Rudd the Prime Minister and the Opposition Leader Mr Nelson was good. To most of us taken away the apology and sorrow, after the dust had settled down was we felt to “Sooth the guilty conscious of the collective”

Many of the Stolen Generations, their supporters, individuals and organisations we thank you from the bottom of our inner feelings and our souls. We wholly support a tribunal and the concept of its make up and if all are involved in some way.

The “Bringing Them Home Report” concluded that the forcible removal policies were a denial of the common law rights and a serious breach of human rights. This Report also recommended reparations in the 54 recommendations and these amounted to breaches of human rights and genocide.

The \$63 million propped up the Territory Department bearcats, Aboriginal Medical Services and Aboriginal Legal Services. Where has the additional

\$54 million gone? certainly not to the Stolen Generations. When does the Commonwealth Government give reparations so that we can have closure and have a quality of life in our remaining time on this earth? Where is the Justice for the Stolen Generations?

Again we say Thank you to Senator Bartlett for we do need closure.

We the undersigned group the representatives of the Stolen Generations would like to remind the Commonwealth Government of the difference between all jurisdictions of Australia and that of the Northern Territory Stolen Generations as we were under the Aboriginal Ordinance Act 1910-1957, Commonwealth Government and still are. While other States acknowledge the plight of their Stolen Generation groups and are providing funding to benefit their people the Commonwealth has not provided the same for the people of the Northern Territory.

Supporting attachments:

1.
 - 1.2.1 DIAGRAM 1: The Stolen Generations' perspective of the allocation of funding in relation o the Commonwealths' response to "Bringing Then Home. \$63million inn practical assistance over the four years (1997-2001)

This Diagram demonstrates the distribution of funding allocations as per Commonwealth initiatives in response to the report, from the stolen generations.

2.
 - Historical Fact sheet – Timeline: 1788 – 2008

3.
 - Names of the Stolen Generations group.
 - The following names represent some of the people of the Stolen generation group in the Northern territory.

Name	Removed from	Institution	Timeline
Mr Maurice Ryan	Wave Hill Station	Croker Island	1952 – 1966
Ms Eileen Cummings	Mainarou Station	Croker Island	1948 – 1961
Mr Halpin Hart	Pine Creek	Croker Island	1954 – 1960
Mrs Tania Gaston	Nutwood Downs	Croker Island	1948 – 1964
Ms Nora Kempster	Elkidra	St Marys	
Ms Irene Mclellan	Ti Tree Station	Garden Point	
Mr Peter Hansen	Mount Doreen	Croker Island	1943 -1962

Ms Emily Devery	Tennat Creek	Croker Island	1944 – 1962
Ms Connie Cole	Anthony's Lagoon	Croker Island	1941 –
Mr Luke Morcom	Borroloola	Garden Point	
Ms Marie Allen	Pine Creek	Retta Dixon	
Mr Jim Anderson	Philip Creek	Retta Dixon	
Ms Margaret Grant	Pine Creek	Croker Island	
Mrs Lorna Fejo	Tennant Creek	Croker Island	
Mrs Alice Briston		Croker Island	
Ms Claire HentyGeber		Croker Island	

Maurie Japarta Ryan