

**REMEMBER
ME**

“Remember Me”

**Commemorating the
Tenth Anniversary of the
Bringing Them Home Report**



Secretariat of National Aboriginal and Islander Child Care

“Remember Me”

**Commemorating the Tenth Anniversary of the
Bringing Them Home Report**



**Secretariat of National Aboriginal
and Islander Child Care**

September 2007

'Remember Me': Commemorating the tenth anniversary of the *Bringing Them Home* report.

Published by the Secretariat of National Aboriginal and Islander Child Care Inc. (SNAICC),
Suite 8, Level 1, 252–260 St Georges Road
North Fitzroy VICTORIA 3068
Telephone: (03) 9489 8099
Fax: (03) 9489 8044
Email: admin@snaicc.asn.au
Website: www.snaicc.asn.au

September 2007

The images, artwork and design of this publication are copyright © SNAICC 2007. Copyright for text of articles published is retained by the individual authors unless specified otherwise. Please seek permission from SNAICC before reproducing any information published here.

This publication commemorates the tenth anniversary of the release of *Bringing Them Home*, the report of the National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from their Families.

ISBN: 978-1-921174-11-7

Cover photograph by Tatiana Doroshenko, of a mural in North Fitzroy, Melbourne, Victoria

Edited by Mark Lawrence

Designed by Heather Hoare, Pixel City Digital Design

Illustrations from artworks in SNAICC's collection

Disclaimer

The views expressed in the articles are those of the individual authors, and do not necessarily represent the views of the Secretariat of National Aboriginal and Islander Child Care Inc. unless otherwise indicated.

The images and photographs in this publication are intended for illustrative purposes only. No inference is intended or implied that the children or adults depicted in the photographs are the subject of any issue(s) of interest to any child welfare authority in Australia.

Join or subscribe to SNAICC

Please contact us if you wish to become a SNAICC member or subscriber. Information about joining or subscribing to SNAICC is also available on our website.

WARNING: Aboriginal and Torres Strait Islander people are cautioned that this publication may include images of people who have since passed away.

Contents

Acknowledgments	2
Never again: Telling the truth ensures a better future <i>by Julian Pockock</i>	3
SNAICC’s journey to the Inquiry: a timeline	6
Ten years of truth telling: What <i>Bringing Them Home</i> means to us all <i>by Muriel Bamblett, AM</i>	8
Aranda instinct <i>by Brian Butler</i>	12
Filling in the ‘blank spots’ of history: SNAICC’s role in the Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from their Families <i>by Nigel D’Souza</i>	14
The long road home: Karu Link-up, the NT Stolen Generations and the campaign for the National Inquiry <i>by Rosie Baird</i>	17
A twilight of knowing: the Australian public and the <i>Bringing Them Home</i> report <i>by Professor Anna Haebich</i>	20
Not one without the other: Human rights and Aboriginal and Torres Strait Islander children’s well being go hand in hand <i>by Terri Libesman</i>	23
Aboriginal Organisation calls for Enquiry into “Stolen Children” SNAICC media statement calling for the National Inquiry into the Removal of Aboriginal Children, National Aboriginal & Islander Children’s Day, 4 August 1991	27
Human Rights Commissioners meet with SNAICC Report first published in <i>SNAICC Newsletter</i> , June 1995	28
Some listen, some won’t hear: the legacy of the <i>Bringing Them Home</i> report <i>by Professor Larissa Behrendt</i>	29
“This story’s right, this story’s true...” <i>by Jim Brooks</i>	32
“Imagine seeing us come home”: Reflections on the impact and legacy of the <i>Bringing Them Home</i> report <i>by Tom Calma</i>	35
Journeying back to healing: The promise of the Bruce Trevorrow case and Tasmanian compensation <i>by Dr Peter Lewis</i>	38
The launch of <i>Bringing Them Home</i>: the Report of the National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from their Families – Speech given on 26 May 1997 <i>by Professor Mick Dodson, AM</i>	41
SNAICC Values Statement: Aboriginal and Torres Strait Islander children	46
“Remember me”: Commemorating the tenth anniversary of the <i>Bringing Them Home</i> report	1

Acknowledgments

SNAICC expresses its sincere appreciation to the authors who contributed their time and energy in writing their essays for this publication commemorating the tenth anniversary of *Bringing Them Home*'s release. They are Rosie Baird, Muriel Bamblett, Larissa Behrendt, Jim Brooks, Brian Butler, Tom Calma, Nigel D'Souza, Anna Haebich, Peter Lewis, Terri Libesman, and Julian Pocock. They delved into their memories, and their archives, and drew on their intimate knowledge, experience and expertise of the National Inquiry and its report to allow us to reflect on this important process and publication, and what they hold for our future. Without them, this publication would not be possible. We also thank the Human Rights and Equal Opportunity Commission and Mick Dodson for giving SNAICC permission to republish Mick's speech from the 1997 launch of *Bringing Them Home*, and Kym Walker for her permission to republish her poem, which was originally published in SNAICC's Newsletter back in 1993.

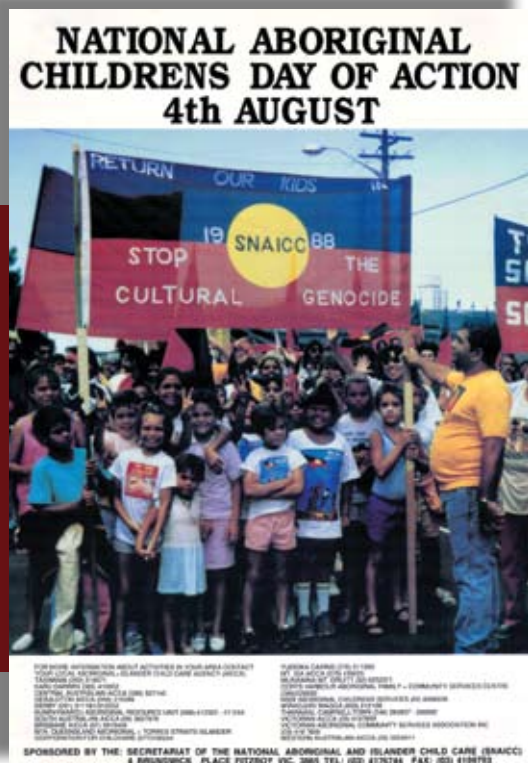
We also acknowledge the artists whose original artworks were used in SNAICC's National Aboriginal and Islander Children's Day posters in 1992, 1995 and 1997 that are reproduced here. They are Clive Atkinson, Isobel Coe and Heather Kemarre Shearer respectively. The 1988 poster was the result of the collective work of the SNAICC National Executive who put together the

amazing banner for the SNAICC contingent to the 1988 Bicentenary protest march. We also acknowledge Ray Thomas, who designed ATSIIC's 1998 NAIDOC poster featuring the theme 'Bring Them Home', which we've reproduced here.

A special thanks is due to SNAICC's former Chairperson, Brian Butler, and SNAICC's former Executive Officer, Nigel D'Souza, who oversaw SNAICC's campaign for, and involvement in, the National Inquiry into the Separation of Aboriginal and Torres Strait Islander people. Their in-depth knowledge and advice on this history was invaluable in making this publication happen.

SNAICC staff who worked on this publication also deserve thanks, including Mark Lawrence, who developed the proposal for the publication, liaised with contributors and edited this publication, Kim Werner, who oversaw the project's progress and spent time delving into SNAICC's archives for documents to help piece more of the history together, and Julian Pocock, whose leadership helped in the conception and development of this publication.

Finally, but in no way least, SNAICC thanks all those who struggled long and hard to have the experiences of the Aboriginal and Torres Strait Islander people who were, as children, forcibly removed from their families acknowledged and recorded, and who worked long and hard for healing and renewal. And we acknowledge the Stolen Generations, whose resilience and strength in sharing their personal stories and creating renewed futures for themselves are an inspiration to us, and renew our efforts on behalf of Aboriginal and Torres Strait Islander children and their families.



1988: Stop the Cultural Genocide

In 1988, SNAICC produced the first National Aboriginal & Islander Children's Day poster, featuring a photograph from the Bicentenary protest march in Sydney. SNAICC highlighted the detrimental impact of placing Aboriginal and Torres Strait Islander children with non-Indigenous families after these children had been removed from their families by welfare authorities. Describing this as a form of cultural genocide, SNAICC advocated that to deny children their culture was a form of genocide.

Never again: Telling the truth ensures a better future

By Julian Pocock, Executive Officer, Secretariat of National Aboriginal and Islander Child Care

It is hard to believe that it has been ten years since HREOC completed its National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from their Families with the release of its report, *Bringing Them Home*.

Sadly the launch of the report was overshadowed by the extraordinary events at the opening of the 1997 Australian Reconciliation Convention when audience members stood and turned their backs on Prime Minister John Howard. As one of those audience members I felt compelled to turn away from a Prime Minister that was acting in a manner that showed no regard for the countless Australians – black and white – who had committed to the reconciliation process. If Mr Howard's aim was to make an impression he certainly succeeded. Reflecting now I have some regret for turning my back, as it's probably better to look at the faces of those we have some disagreement with if we are serious about reconciliation.

When the report was released at the convention, I remember talking with a delegate from the Victorian Aboriginal community who commented that “never again” could people say they didn't know the truth. Sadly some have sought to discredit and diminish *Bringing Them Home*. The report brought the story of the Stolen Generations out of the shadows and into the centre of Australia's consciousness. It was only able to do so due to the dignity and bravery with which families and people affected by removal policies told their stories.

Another speaker at the 1997 Reconciliation Convention, Archbishop Desmond Tutu, spoke of the Truth and Reconciliation process in South Africa, established to document the truth about apartheid and reconcile a nation savagely divided on racial grounds. It struck me then that our own nation's process of reconciliation was deficient. We didn't start with the telling of the truth. My family, like any I suppose, places importance on telling the truth. When we do something wrong, telling the truth and saying sorry helps us heal and move on. *Bringing Them Home* was where the truth of this nation's history was told. The 1997 Reconciliation Convention was our opportunity to connect truth with reconciliation – an opportunity lost.

Since 1997 many have argued that the process of reconciliation has stalled. Arguments have been put that the Howard Government's approach of 'practical' reconciliation has diminished the reconciliation process while failing to deliver enough of the practical improvements in living standards promised. My view

is that in 1997 *Bringing Them Home* provided an opportunity to connect the truth of our nation to a reconciliation process that was searching for a way forward. When *Bringing Them Home* was silenced, so was the truth and at that point our national process of reconciliation faltered.

SNAICC is an organisation with a long and proud history and a capacity to reach out to our predecessors and those who lived this history, and so we are able to reach back into our collective memories to recall what having the National Inquiry actually involved and what the release of its report signalled for us. SNAICC has produced this publication commemorating the tenth anniversary of the release of *Bringing Them Home* to remember SNAICC's efforts in calling for and participating in the Inquiry, to commemorate the tenacity and hard work on this matter of those who came before us, and to refocus public attention on why this process was so important to Aboriginal and Torres Strait Islander people and what people hoped and dreamed it could deliver for Australia as a whole.

Before *Bringing Them Home* shook the foundations of Australian history and society, the practice of the removal of Aboriginal and Torres Strait Islander children from their families had already shaken every Aboriginal and Torres Strait Islander community to the core. You could say the history, experiences and legacies of the Stolen Generations defined the very purpose of Aboriginal and Torres Strait Islander community organisations working in health, legal services, and child and family welfare. Families were broken and children's experiences of removal had led to much trauma – to the extent that this legacy permeates nearly every aspect of Aboriginal and Torres Strait Islander disadvantage to this day.

Naming, coping with and healing the legacy of colonialism and child removal was the driving force that spurred the formation in the late 1970s of the first Aboriginal and Torres Strait Islander child welfare agencies, the AICCAs, and of SNAICC, the peak body for Aboriginal and Torres Strait Islander children and families, in 1981. While our members were dealing with the continuing practices of child removal by 'the welfare' and trying to bring healing to members of the Stolen Generations and their families, it became clearer and clearer that this unacknowledged aspect of Australia's history needed to be exposed and dealt with in order to speed the healing so urgently required. This was the “blank spot” in Australia's history that SNAICC wanted

filled in, as former SNAICC Chairperson Brian Butler and former SNAICC Executive Officer Nigel D'Souza remind us in their respective essays in this publication.

In 1991, SNAICC was the first national Indigenous organisation to publicly call for a national inquiry into Aboriginal and Torres Strait Islander child removal. This became a long and difficult journey that consumed our purpose for six years, as we worked to make the inquiry happen, ensured that the framework for the inquiry would meet the needs of the Stolen Generations and the wider

We are able to reach back into our collective memories to recall what having the National Inquiry actually involved and what the release of its report signalled for us.

Aboriginal and Torres Strait Islander community – and of justice – and supported our member organisations in making their submissions to the inquiry when it got rolling.

At the time, many of us believed that the Human Rights and Equal Opportunity Commission's National Inquiry, and the findings and recommendations made in its report, *Bringing Them Home*, had finally opened the floodgates of witnessing and healing – forever. We were confident that the “blank spot” in Australia's history was finally and indelibly filled in, that the connection between the truth and reconciliation had been made, and that this could lead to lasting healing for Aboriginal and Torres Strait Islander people and reconciliation with non-Indigenous Australia.

What we soon realised is that lessons have to be learned over and over again and some just don't want to learn. Just as the public debate got bogged down over whether the Prime Minister should say 'sorry' and the fears of what it would mean regarding compensation and reparation to the Stolen Generations, so too has the reconciliation and healing process been stymied. Prime Minister Howard insisted that symbolic gestures, such as a formal national apology, would make no difference to the lives of Aboriginal and Torres Strait Islander people, and rejected the National Inquiry's recommendation that reparation – including monetary compensation – be made to the Stolen Generations.

In questioning 'practical reconciliation' SNAICC does not question the importance of improving Aboriginal and Torres Strait Islander children's and families' health and well being, their experiences of early childhood care and education, their capacity to participate in the nation's economy, the quality of their livelihoods, and their access to shelter that's more than just liveable. Aboriginal and Torres Strait Islander people have a right to these as a matter of course – as do the rest of the Australian

community – and we have been calling on all state, territory and federal governments to provide the full and necessary support to communities to enable them to achieve these.

What is clear is that in wanting to pursue improvements in these areas, the federal government has failed to value Aboriginal and Torres Strait Islander culture – and by this meaning the breadth of cultural experience and practice, including spirituality, connection to land and sea, language, heritage and identity – as if it were an obstacle to improving well being and quality of life. Culture has been viewed as something that sets Aboriginal and Torres Strait Islander peoples apart – economically, socially, politically, and from the rest of the nation – and as part of the problem, rather than the solution. Those that took children from their families in generations past made the same mistake – they failed or refused to see the value of Aboriginal and Torres Strait Islander culture to a child's well being.

Culture cannot be separated from communities' capacity for renewal and strength in health, education, economic participation, livelihoods, housing or well being. As SNAICC Chairperson Muriel Bamblett points out in her essay here, these were interdependent with culture in early Aboriginal and Torres Strait Islander communities, and they remain so today. Cultural freedom, strength and pride enable communities to engage more fully in improving their quality of life and well being, just as they are central to supporting communities' capacity to form strong, confident, capable and supportive families that raise children in strength, proud in their culture, and safe from harm. As SNAICC pointed out through our theme for this year's National Aboriginal and Islander Children's Day, on 4 August, 'Raising Children Strong in Culture' creates many pathways of healing and revival for communities and families.

Yet, this year's public commemorations of the tenth anniversary of *Bringing Them Home's* release have reminded us that the ongoing trauma experienced by the Stolen Generations and the Prime Minister's reiterated refusal to say 'sorry' are gaping wounds that remain unhealed. There is still unfinished business that holds us back as a nation.

In a process of national consultation via SNAICC's previous national conference, in 2003, SNAICC formulated the *Seven Priorities for Aboriginal and Torres Strait Islander Children*, our policy platform that outlines the key policy priorities for advancing the well being and rights of the children in our communities. A National Apology to the Stolen Generations is identified as one of the seven key priorities:

A National Apology, which acknowledges the harsh injustices of past child removals, and the ongoing impact of these on the health,

happiness, and parenting skills of current generations of Aboriginal and Torres Strait Islander people, is a foundation upon which the success of many other initiatives will depend. When we fail to recognise how the past lives on, we allow the injustices of the past to continue.¹

To this day, SNAICC still expects – and calls for – a National Apology from the Australian Government, for the same reasons as stated in 2003. This is despite many in Australia – both non-Indigenous and Aboriginal and Torres Strait Islander – now saying that the time for a National Apology has passed and that it's time to 'move on' to more pressing or vital matters. Yet SNAICC is used to calling for something that is both unpopular or presumed unimportant in the Australian community – just as we did when we called for a National Inquiry into child removal and it felt as though we were "shouting in the wilderness," as Nigel D'Souza recounts in his essay here. We do so because we know it is right, and it is needed. The journey of healing that began with the National Inquiry was interrupted, and the process of reconciliation has faltered. As Muriel Bamblett has insisted this past year, Aboriginal and Torres Strait Islander families and communities still require the healing and restoration necessary to allow them to sustain their culture, raise their children in strength and forge renewal for their communities. A key to this succeeding is facing up to the truth and saying sorry.

What is also apparent, as some of our contributors' assessment of how *Bringing Them Home* was received in Australia, is that so many of its recommendations have yet to be fully implemented – particularly in the area of child protection. Ten years after the National Inquiry first made such recommendations, SNAICC is still calling for all state, territory and federal governments to implement a National Action Plan to stop child abuse and neglect that is developed, implemented and monitored via the Council of Australian Governments, for national monitoring of how the Aboriginal Child Placement Principle is implemented in all states and territories, and for government support for greater Aboriginal and Torres Strait Islander community control of child protection, out-of-home care and family welfare and support services.² These are so central to SNAICC's ongoing work that we have identified them as priorities for Aboriginal and Torres Strait Islander children that all political parties should adopt for the next term of federal government.

It has been ten years since *Bringing Them Home*

alerted Australia to the fact that contemporary child protection practices continued to lead to unacceptably high levels of Aboriginal and Torres Strait Islander children being removed from their families and placed in out-of-home care. In 1997, the Inquiry found that the rate of Aboriginal and Torres Strait Islander child removal was six times higher than the number of non-Indigenous in out-of-home care. Unfortunately today the rate has gone up rather than decreased: in 2005–2006, Aboriginal and Torres Strait Islander children were seven times more likely to be in out-of-home care than non-Indigenous children³.

It must be heartbreaking for members of the Stolen Generations, and the Aboriginal and Torres Strait Islander community generally, that this situation continues. What can we say to them about what we learned from their stories shared so bravely during the National Inquiry? Are we to say to them, and to the children, that our hopes and dreams for the National Inquiry were also stolen – but that we did nothing?

When in doubt, return to the truth. *Bringing Them Home* remains as powerful and important today as in 1997 because it tells the truth. It provides the starting point for a national process of truth and reconciliation. And in looking back to the Prime Minister's angry address at the 1997 Convention, I hope that, like me, he may feel some sense of regret for the events of that day and remembers, as his parents no doubt taught him, to say sorry.



Julian Pocock has been SNAICC Executive Officer for nine years. Before he came to SNAICC, he had worked in the youth and education sectors for many years, and was the Executive Officer for AYPAC, the national peak body for young people. Julian's research into child abuse and

neglect in Northern Territory Aboriginal communities, *State of Denial*, published by SNAICC in 2003, was a groundbreaking study of the NT government's failure to deal with the issue and led to urgent reforms of the child protection system in the Territory. Through SNAICC's current work, he continues to push for long term, effective measures to stop child abuse and neglect that work with Aboriginal communities in the NT, and throughout Australia, not against them.

He lives in Melbourne with his wife, Fiona, and three children, and is a vocal Collingwood supporter.

¹ SNAICC, 2003, *Seven Priorities for Aboriginal and Torres Strait Islander Children*, SNAICC Policy Paper 2003.

² SNAICC, 2007, *Priorities for Aboriginal and Torres Strait Islander Children for the Next Term of Government*, SNAICC Briefing Paper 2007

³ Australian Institute of Health and Welfare (AIHW), 2006, *Child Protection Australia 2005–06*, Child Welfare Series Number 40, Canberra.

SNAICC's journey to the Inquiry

89

November 1989

SNAICC writes to ABC television presenter Peter Couchman following his programme on the removal of children from the British Isles. In response, Couchman agrees to do a programme on the removal of Aboriginal and Torres Strait Islander children, with SNAICC assisting in organising members of the studio audience, which screens in February 1990.

90

February 1990

The SNAICC Annual General Meeting in Brisbane resolves "That, as a result of conclusive evidence highlighted in various research, reports and recommendations in child welfare practices and policies, the Executive investigate the possibility of SNAICC calling for an enquiry into the effects that these policies have had on Aboriginal communities."

91

August 1991

SNAICC's National Aboriginal and Islander Children's Day theme for 1991 is 'The Stolen Generation – Demand an Enquiry into the removal of Aboriginal and Islander Children'. Through its media release for Children's Day, SNAICC becomes the first national Indigenous organisation to call for a national inquiry into the Stolen Generations.

95

April 1995

SNAICC Chairperson Brian Butler is part of a delegation of Aboriginal people from Darwin who serve a writ on the Commonwealth government in relation to the removal, as children, of six Aboriginal people from their families in what is to be the first major Stolen Generations High Court case.

SNAICC's Executive Officer Nigel D'Souza publishes an article, 'Call for a National Inquiry into the Removal of Aboriginal Children', in the ACOSS journal *Impact*.

June 1995

The President and commissioners of the Human Rights and Equal Opportunity Commission meet with SNAICC representatives Brian Butler, Wanda Braybrook, Sharon Slater, and Nigel D'Souza at SNAICC's Fitzroy offices to discuss issues related to the establishment of a National Inquiry into the Removal of Aboriginal Children.

August 1995

The theme for Aboriginal and Islander Children's day in 1995 is 'Never again... Break the Chains', referring to the past and current practice of Aboriginal and Torres Strait Islander child removal.

Brian Butler's speech at the Twentieth Anniversary of the Australian Law Reform Commission reiterates SNAICC's 1991 call for the upcoming national inquiry into child removal to investigate whether the removal policies fell within the definition of genocide under article 2(e) of the *Prevention and Punishment of the Crime of Genocide Act 1949*.

Attorney-General of Australia Michael Lavarch formally requests HREOC to inquire into the Separation of Aboriginal and Torres Strait Islander Children from their Families. He had originally requested the Inquiry in May 1995, but later re-issues his call for the Inquiry with extended Terms of Reference.

— a timeline

This timeline represents some key events and initiatives in SNAICC's work to bring about the National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from their Families. It is not intended to be a definitive representation of all developments along this journey.

92

August 1992

National Aboriginal and Islander Children's Day in 1992 continues the focus on the Stolen Generations with the theme 'My family... Where are you? Enquiry into the removal of Aboriginal and Islander Children'.

93

August 1993

In his contribution to the special edition of the Australian Institute of Family Affairs journal, *Family Matters*, marking the International Year for the World's Indigenous Peoples, Brian Butler outlines the history and rationale of SNAICC's campaign against child removal policies. The publication increases the profile of SNAICC's call for the national inquiry.

94

October 1994

SNAICC supports member organisation Karu AICCA and other Northern Territory Stolen Generations groups to organise The Going Home Conference, the first major conference of Stolen Generations people.

96

November 1995

SNAICC's Chairperson, Brian Butler, and Executive Officer, Nigel D'Souza, are appointed as SNAICC representatives to the Indigenous Advisory Council of HREOC's National Inquiry.

December 1995

SNAICC Chairperson Brian Butler presents SNAICC's oral evidence to the Inquiry at Wybalenna, Flinders Island, Tasmania.

May 1996

SNAICC holds a national workshop in Uluru, Northern Territory, to discuss the progress of the National Inquiry.

August 1996

SNAICC presents its written submission to the National Inquiry.

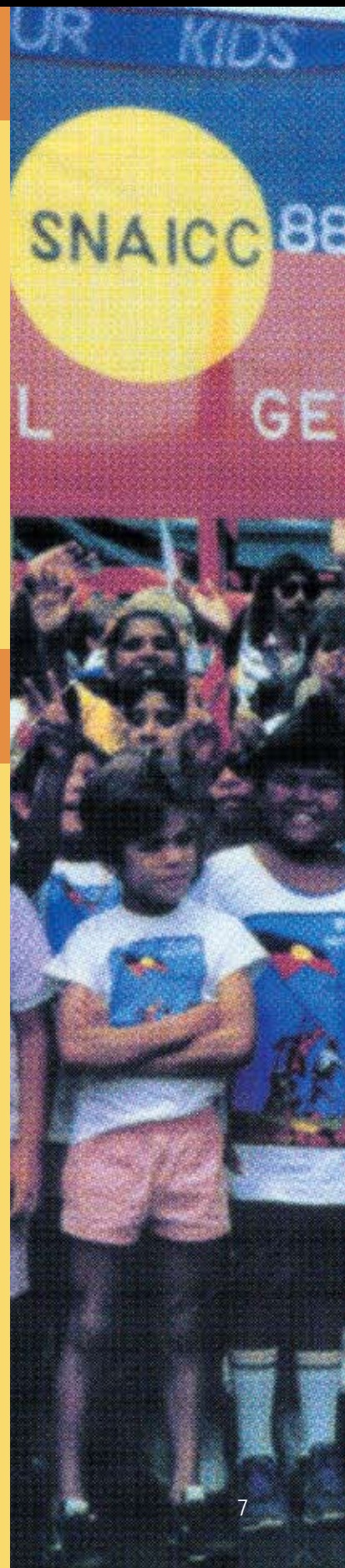
97

May 1997

The Human Rights and Equal Opportunity Commission releases *Bringing Them Home*, its report from the National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from their Families, at the Australian Reconciliation Convention in Melbourne.

August 1997

National Aboriginal and Islander Children's Day focuses on the release of the Inquiry's report and calls for the full implementation of its recommendations with the theme 'Bring Them Home'.



Ten years of truth telling: What *Bringing Them Home* means to us all

By Muriel Bamblett, Chairperson, Secretariat of National Aboriginal and Islander Child Care (SNAICC)

This year has seen many important anniversaries for Aboriginal and Torres Strait Islander communities in Australia: the tenth anniversary of the release of the *Bringing Them Home* report, the fiftieth anniversary of NAIDOC and the fortieth anniversary of the 1967 Referendum that gave de facto recognition of the citizenship Aboriginal and Torres Strait Islander people.

What does this year of anniversaries mean for Aboriginal and Torres Strait Islander people who forty years ago didn't count for anything and didn't even count on the national census? What does it mean for the Stolen Generations who had their trauma and pain displayed for all to see before the sometimes sympathetic but at times doubting eyes of governments and many in the community? What does it mean for a nation whose Federation specifically excluded the First Peoples of Australia?

As a nation, we live amongst these remembrances and contradictions concerning our national character.

As Aboriginal and Torres Strait Islander people we have, since invasion, defied our oppression and found

affirmation that the '67 Referendum represents was too soon diminished when we as Aboriginal and Torres Strait Islander people sought to not only be citizens but to enact our rights as citizens and seek land justice and wage equity.

The wave of sympathy and apologies from state and territory governments, churches, community welfare groups, and ordinary citizens that followed the public release of the *Bringing Them Home* report was washed away in the wake of Prime Minister John Howard's denial of the extent of the injustices experienced by the Stolen Generations and his refusal to offer an official national apology to them. The Prime Minister's response set the tone for what was to be known as the 'culture wars'. A legion of denialist conservative commentators disparaged the findings in *Bringing Them Home*, questioned the extent of child removal practices, and denigrated the experiences of the Stolen Generations. These so called 'debates' over the Stolen Generations created confusion and doubt amongst the Australian community and wore down the nation's appetite for reconciliation.

Even the enthusiasm of the Reconciliation Walks of 2000 and the spontaneously shared joy over Cathy's win were not enough to reverse the tide of racism, ill-will and distrust that continues to demean our culture and deny our human rights.

As we mark the tenth anniversary of the release of *Bringing Them Home*, we need to remind ourselves that it not only told us the previously untold stories of Aboriginal and Torres Strait Islander people who had been removed as children. It also spoke of a national Aboriginal and Torres Strait Islander-led framework to address present day issues of child protection and family welfare. It reminded us that contemporary child protection systems are still removing more of our children from their families than non-Indigenous children from theirs. To tackle this ongoing over-representation of our children in care, the report supported an approach of community development and de-colonisation – of trusting and supporting Aboriginal and Torres Strait Islander families and communities to look after their own children.

However, contrary to the advice of the *Bringing Them Home* report, state and territory governments continue to retain their tight control over child welfare systems. Meanwhile the federal government promotes a punitive response and seeks to discredit

As we mark the tenth anniversary of the release of *Bringing Them Home*, we need to remind ourselves that it not only told us the previously untold stories of Aboriginal and Torres Strait Islander people who had been removed as children. It also spoke of a national Aboriginal and Torres Strait Islander-led framework to address present day issues of child protection and family welfare.

meaning in our resilience and our resistance. The battles fought, the bodies broken by dispossession, the so-called protection, assimilation, and the separation of families have bloodied us but never defeated us. The hope of the 'Spirit of 67', the *Mabo* Decision, the Reconciliation Walks and the national spirit of celebration and unity that emerged when Cathy Freeman won her Gold Medal at the Sydney Olympics have given us a different vision of what we could become as a reconciled nation.

Too often in the past we have had our hopes raised, only for them to be dashed. The overwhelming

self-determination when responding to the situation of children in the Northern Territory.

The Whitlam era, and to a lesser extent the Fraser era, was a time when human rights were treated seriously as the motivation and tool for policy development and implementation. It was a time when Aboriginal and Torres Strait Islander community controlled organisations such as SNAICC and its members established and flourished, a time when land rights and self-determination seemed to be mainstream government policy.

Unfortunately self-determination was poorly resourced, with little thought put into building the capacity of Aboriginal and Torres Strait Islander communities to exercise their self-determination. In the child welfare field, small Aboriginal and Torres Strait Islander child welfare agencies were established in over thirty places across Australia and then expected to deal with the fallout of generations of family poverty and disadvantage, the forced removal of children and child neglect.

Self-determination effectively became an 'out' for governments. They hand-passed responsibility for children in care from state institutions to Aboriginal and Torres Strait Islander community organisations, with no corresponding shift in funding. In a short period we went from governments assuming they had unfettered control over the welfare of Aboriginal and Torres Strait Islander children to assuming they had no responsibility

(including financial responsibility), for their welfare.

Just at the time the effects of colonisation were being understood through the Royal Commission into Black Deaths in Custody and *Bringing Them Home* reports, as the inherent racism at the foundation of this nation was being revealed in the *Mabo* decision, as Prime Minister Paul Keating's 1992 Redfern Speech launched the International Year for the World's Indigenous Peoples in Australia, and the Council for Aboriginal Reconciliation Process was beginning, we faltered and lost faith. We elected a federal government in 1996 whose commitment to human rights and self-determination was limited and conditional. As a community we failed to maintain our rage about the Stolen Generations and the break up of families. We failed to push ahead with reforms to child protection guided by the principles of self-determination and the recommendations of *Bringing Them Home*.

We need to have faith in the policy of self-determination and return to the spirit of truth-telling embodied in Paul Keating's Redfern Speech. Critical to the future well being of our children is recognising the critical importance of Aboriginal and Torres Strait Islander self-determination and cultural connection for our children and families.

Fortunately there are new ways of working starting to emerge that more closely match the wisdom contained in the *Bringing Them Home* report.

1991: The Stolen Generations – Demand an Enquiry into the Removal of Aboriginal and Islander Children

In 1991 National Aboriginal & Islander Children's Day focused on the issue of the Stolen Generations, as SNAICC demanded a national inquiry into the forced removal of Aboriginal and Torres Strait Islander children from their families. The poster featured a photograph taken in the 1930s of Aboriginal children removed from their families and placed at the Bomaderry Infants Home in New South Wales. Barbara Cummings had given SNAICC permission to use the image from the cover of her book, *Take this Child...* about about the Kahlin Compound and the Retta Dixon Home, for the poster. SNAICC was the first national organisation to call for an inquiry into the Stolen Generations and the NAICD poster was instrumental in bringing the Stolen Generations out of the shadows and into public view.



An example is the Victorian *Children, Youth and Families Act 2005*. This law acknowledges the principle of self-determination for Aboriginal and Torres Strait Islander people as a framework for children services and clearly embodies a deep understanding of the stories told in *Bringing Them Home*. This law tells the children and family services sector – what we used to call with fear and loathing, *the welfare* – that it is in the best interests of an Aboriginal or Torres Strait Islander child for their culture and their connection to family, kin and community to be maintained and supported. All agencies in Victoria who provide children and family services to Aboriginal and Torres Strait Islander children now have to demonstrate cultural competence or they may be de-registered. This is the approach we would like to see resourced in every state and territory and by the federal government.

In order to prevent the next Stolen Generations we need commitments by state, territory and federal governments to strengthen the resource base of Aboriginal and Torres Strait Islander agencies to deliver the culturally-embedded child and family programmes that we know work for our people.

We are seeking funding from governments and the general public for state-of-the-art Aboriginal and Torres Strait Islander family centres so that we can address the needs of our families in the face of the disadvantage and racism they face every day. We want to create a future by building family centres which will celebrate and embrace our Aboriginal and Torres Strait Islander cultures, our

families and all our children, young people, mothers, fathers, aunties, uncles, nannas, pops and Elders.

When we look at the issue of services to children and families we need to begin by looking at the centre of that system – children and their families. There is much talk these days about the problems of welfare dependency and some people at the national level are trying to promote a punitive approach to that issue. But for us at SNAICC, the issue has more to do with restoring capacity for family functioning and that requires a strengthening rather than a weakening approach.

Our work involves creating strategies to enable Aboriginal and Torres Strait Islander families to look after and educate their children by focusing on how to ‘keep house’. Interestingly, the word ‘economics’ has its origins in Greek and means ‘house management’, or in other words, ‘house keeping’. Too often we begin with the big picture – macro-economics – and let its theoretical abstractions obscure our vision of the little, local economies or households that economics is actually about. Keeping house is about looking after the people in the house, not just making the people in the house useful components in a vast system of production and consumption. Keeping house is about recognising how each member of the house supports each other according to their rights, roles and responsibilities. If we can get the households right, the larger economy will follow.

Traditional Aboriginal and Torres Strait Islander households and communities had a very different



economy to the one which dominates all our lives today. In general terms it would be fair to say that Aboriginal and Torres Strait Islander economies were holistic – politics, law, culture, land and economic activity merged with a spiritual dimension to maintain life in community. Each person had their role, each person had their rights and responsibilities. The economic was not separated from the spiritual. Work was a spiritual act, subject to the ancient laws and traditions established by the creator spirits, and not just an economic act of survival. Traditional economies also had another feature different from economies today – there was no poverty. And there was no poverty because there was no wealth other than the wealth of living together in community under the guidance of our spirits and in harmony with the land. Apart from ecological catastrophes, the absence of poverty was the norm – unlike in modern economies.

The ‘social investment’ had already been made by the creator spirits and the spirit of the land. Those spirits invested in my people and made us custodians. By basing the rhythms of our economies on the rhythms of the land, economic security was assured.

From our perspective we begin with an understanding that good ‘house-keeping’ or good economics should not be separated from just relationships and social justice, which in turn encourages family functioning.

For us colonisation created the conditions for social and economic dysfunction, causing our local households and economies to become fragmented. The economy was changed by land being cleared for the use of sheep and cattle and crops. Our laws were ignored and our land treated as a *terra nullius* that the colonisers could treat as a blank slate to divide and parcel up.

In order to create the conditions for positive social engagement for Aboriginal and Torres Strait Islander children and families, there needs to be a human rights based **social investment framework** which:

- **recognises that colonisation** has impacted negatively on Aboriginal and Torres Strait Islander social and economic capacity,
- **builds on the strengths of Aboriginal and Torres Strait Islander culture** and
- respects the **self-determining rights** of Aboriginal and Torres Strait Islander communities in order to **re-build capacity**.

Human rights enables self-determination and self-determination enables our communities to have the capacity to embrace and enact our responsibilities. If governments treat us on the basis of our self-determining rights as peoples instead of treating us as passive recipients of welfare as client communities, the debilitating effects of poverty can be overcome. You only need to look overseas and compare life expectancy statistics to see that self-determination is good for our health. Indigenous peoples who have treaties and various

self-determining rights have far better health outcomes.

In terms of Aboriginal and Torres Strait Islander culture, it is more than just a question of recognising our right to be different. In the Aboriginal and Torres Strait Islander service sector we find that embedding culture in our services creates the best outcomes.

We are not consumed by the past. We want to learn from the past so that the future of our people – whether they have been Stolen, lost, broken or not – will be one that sees the Aboriginal and Torres Strait Islander peoples of these lands and waters given their rightful place of honour in the nation. A future built on words like ‘sorry’, just processes such as a National Healing Commission for Stolen Generations and investments by the general community to resource positive, culturally-based child and family services and programmes.

If we are truly to be a nation, and even more of a nation than the writers of the constitution imagined, we need to stand together black and white, in respectful listening, in the small glimmering candle-light of hope – not only for the Stolen Generations, not only for Aboriginal and Torres Strait Islander people, but for who we want to be as a nation.

Let’s live according to that future – an Australia that acts honourably and justly to the Stolen Generations and all Aboriginal and Torres Strait Islander peoples, an Australia that honours and treasures its Aboriginal and Torres Strait Islander past and its Aboriginal and Torres Strait Islander future. An Australia full of apologies, healing commissions and even treaties. An Australia reconciled.



Muriel Bamblett is a Yorta Yorta woman who is the Chairperson of the Secretariat of National Aboriginal and Islander Child Care. Muriel has been the Chief Executive Officer of the Victorian Aboriginal Child Care Agency since 1999. From 1997–99 Muriel was the Chairperson

of VACCA. Muriel is active on many boards concerning children, families and the Aboriginal and Torres Strait Islander community. She is a Member of the Victorian Children’s Council, a Committee Member of the Victorian Ministerial Council for Vulnerable Children and a Ministerial appointed representative on the Australian Council for Children and Parenting.

Muriel has been the recipient of a number of awards, including the 2003 Robin Clark Memorial Award for Inspirational Leadership in the Field of Child and Family Welfare; and was awarded an AM (Membership in the General Division) in the 2004 Australia Day Honours for her services to the community, particularly through leadership in the provision of services for Aboriginal and Torres Strait Islander children and families.

Aranda instinct

By Brian Butler, former SNAICC Chairperson

I have often been asked what drove me to pursue the Inquiry into the removal of Aboriginal and Torres Strait Islander children from their families. It is a difficult question for me to answer because there was no single thing that did this. You may as well ask me why I came into being as Brian Butler, an Aranda Aboriginal man.

My earliest memories of this issue, which I only much later rationalised as connected to the policy of removing children, was when we were told as adolescents, in early puberty, chasing girls that we should be careful who we went after. No explanations were given.

My own experience of being sent down to Adelaide with other young boys of my mob, people like Charles Perkins and Gordon Briscoe, in the fifties to St Francis' House meant I too experienced some of the hardship of separation. I know now that I too am a product of the assimilation policies of those times. I grew up learning Aranda language until I was forbidden to speak it as I was hundreds of kilometres away from my mother and the rest of the clan and more importantly because non-

We had great hopes for the Inquiry, but with a paltry budget and indifferent governments it was not going to meet our expectations. Nevertheless, the issue is now household knowledge and no longer the 'blank spot' in Australia's history that we once called it in 1991.

Aboriginal fathers used to beat their kids for speaking their language. My father, who was non-Aboriginal, cut his Aboriginal wife – my mother – and children out of his life even though he continued to come in and out of our lives. He was ashamed of us and didn't know how to continue living in a racist, white outback community of pastoralists and others, many of whom also had parallel lives with Aboriginal women and children, yet who ostracised you for having these relationships.

As a young boy in Adelaide I soon came across others who had been removed. We learnt how to distinguish children from other parts of the country – especially those who came from our part of the world and further north to Darwin. We saw many others whom we couldn't place, but knew were 'lost'.

We were also regularly asked by our families in the Centre whether we knew of the whereabouts of other

children who had been taken away.

When I was fifteen, I abandoned my apprenticeship as a boilermaker and joined the ships so that I could travel to other cities in Australia. In each place I went to I made contact with the local Aboriginal people. Everywhere I went the story was the same. I gradually developed a picture of what was happening nationally.

When I returned to South Australia in the sixties, I made Port Augusta my home. I joined the State Public Health Department, motivated by my eagerness to get access to information about the children who were being removed. Some years later I joined with others in the community to set up the Aboriginal Social Club of Port Augusta, which gave birth to other community organisations such as the medical service, preschool programme, parks and gardens and an earth-moving enterprise. Our success was measured by the absence of Aboriginal people from the unemployment benefit queues.

In the seventies, I moved to Adelaide where I worked at the Wakefield Street Community Centre, run then by John Austin who originally hails from Victoria. Through John, I was introduced to Mollie Dyer and eventually I made a trip across to Melbourne and stayed with Mick Dodson who was here at the time working at the Victorian Aboriginal Legal Service. During my time in Melbourne I observed the work that Mollie and Graham Atkinson were doing at the Victorian Aboriginal Child Care Agency (VACCA). Graham took me on field trips into rural Victoria. I returned to Adelaide strengthened by ideas prompted by the good works of VACCA in stemming the flow of Aboriginal children into the wilderness of what was then known as 'welfare'.

Soon after that trip we set up the South Australian ACCA (Aboriginal Child Care Agency) and our primary task was finding appropriate foster care arrangements for Aboriginal children. Just as important was the work of reuniting children and families, of tracking down the children who were lost in the child welfare system and of linking-up older children and adults with the families they were removed from.

It was not long after, in 1981, that we formed the national organisation, SNAICC (the Secretariat of National Aboriginal and Islander Child Care). SNAICC embodied the national aspirations of our communities across the continent. It also was the recognition that the personal lives of Aboriginal and Torres Strait Islander people and their families had also to be addressed in a political fashion, especially the issue of the removal of children.

It was many years later, after the slow and steady accumulation of evidence and after building strategic alliances with sympathetic individuals and organisations, that we were able to convince politicians that a different approach was needed. But the piecemeal approach of convincing and converting individuals was too slow. Too many broken people were despairing without any support or assistance. By having an inquiry into the removal of children, we knew we could grab the attention of the public. We were also convinced that everyone, no matter what their background, could imagine in a small way how traumatic it could be to have a child taken from them. It was only a matter of revealing this side of Australia's history.

The Inquiry lifted the lid on a part of our history that non-Indigenous Australia only talked about in whispers. Non-Indigenous families may have been ashamed of this whispered past and brushed it under the proverbial carpet – just as my father was ashamed of his 'mixed blood offspring'. I never could be party to this conspiracy of silence. I couldn't deny my own identity even if others tried to deny me and my brothers and sisters.

Ten years on and I still firmly hold the view that we were right to call for the Inquiry, regardless of the shortcomings of the federal Liberal government's response. It is also worth reminding people that although a Labor government established the Inquiry, the integrity of its commitment should be judged by the paltry \$1.5 million it gave to the Human Rights and Equal Opportunity Commission (HREOC) to conduct the Inquiry. I really do believe that the lack of interest in this issue was bipartisan. The real force behind it was the people of Australia – Aboriginal and Torres Strait Islander and non-Indigenous – who often shared the experience through different but connected paths.

There were many people who made the Inquiry happen. A number played their part but weren't around to see it happen. I must pay particular tribute to Mrs Margaret Tucker and Mollie Dyer, both Yorta Yorta women, who led the way. There were also many Aboriginal people who added their strength to the SNAICC membership over the years, some were Executive Members – they all made the Inquiry happen through their support at a national and local level. Two in particular – Isobel Coe and Heather Shearer – contributed their artwork to SNAICC's National Aboriginal and Islander Children's Day posters with themes related to the Stolen Generations (in 1995 and 1997 respectively). I cannot forget Barbara Cummings from Darwin, a tireless worker for the rights of the Stolen Generations, who was on the SNAICC Executive for many years. Barbara wrote a book about her experiences in the Retta Dixon Home called *Take this child...* and allowed us to use the image on the cover of her book for the 1991 Children's Day poster – the first time SNAICC called for the National Inquiry.

In my time, I have been approached by many people for help in looking for their families. I have acted as counsellor, surrogate family, advocate and family tracer for many of the children who were desperately seeking to put the pieces of their lives back together. I know there are many Aboriginal and Torres Strait Islander people who did and continue to do the same. As a result of the Inquiry our work was made a little easier although our collective task is as yet unfinished. *Bringing Them Home* was a good start that set off social and cultural developments that are beginning to make a real difference in the lives of many people. We had great hopes for the Inquiry, but with a paltry budget and indifferent governments it was not going to meet our expectations. Nevertheless, the issue is now household knowledge and no longer the 'blank spot' in Australia's history that we once called it in 1991.



Brian Butler is interim Chairperson of the National Indigenous Disability Network Working Party and State Representative of the Aboriginal Disability Network. Brian, as he is known by all, is the proud eldest son of Emily, and belongs to the east Aranda and Loritja

people. He is the grandfather of 33 children and five great-grandchildren. Brian served as of the Secretariat of the National Aboriginal Islander Child Care (SNAICC)'s Chairperson for 13 years, and oversaw SNAICC's campaign calling for a National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from their Families. When the Inquiry was formed, he served on its Indigenous Advisory Council.

Brian is currently the Aboriginal Advocate within the Age Rights Advocacy Service in South Australia, responding to Elders of our community who need support in achieving justice and rights to services. Brian's advocacy work in a variety of capacities included being SA Zone Commissioner with ATSIC, Chair of the Aboriginal Housing Board of SA, Member of the Aboriginal Elders Council, and Member of the United Nations Working Group on Indigenous Rights. Brian continues to campaign strongly for human rights for Indigenous peoples at the local grass roots, statewide, nationally and on the international stage. Brian campaigns for zero tolerance against racism, discrimination, and abuse towards Elders and children.

Filling in the ‘blank spots’: SNAICC’s role in the Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from their Families

By Nigel D’Souza, former SNAICC Executive Officer

It is almost ten years since I was last employed by SNAICC. I left after fifteen years of frenetic activity that left me feeling burnt out and rudderless. After years of clear direction through passionate commitment to a cause, nothing else could take its place. That is why when SNAICC asked me to write an essay to commemorate the tenth anniversary of the Human Rights Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from their Families, I had no hesitation in saying yes. The intervening years have enabled me to distance myself from an organisation that I

The *Bringing Them Home* report has a life of its own, not just because many of the people in its pages are still alive today... It has become the baton that SNAICC picked up when it was formed.

was part of and was part of me. This distance allows me to now make a more dispassionate assessment of some of the issues I worked on.

There were many things we did that turned out to be wrong, or that may be regarded by some as wasted effort. One, however, stands out as SNAICC’s crowning achievement and it was our constant and unrelenting focus throughout in bringing public attention to the removal of Aboriginal and Torres Strait Islander children from their families and communities. The day SNAICC resolved to launch a campaign for a national Human Rights Commission inquiry into the removal of Aboriginal and Torres Strait Islander children was a day that changed Australian history. It was this demand that called on Aboriginal and Torres Strait Islander people to propel their private and personal histories and experiences into the political sphere and lodge their claims about this form of genocide. When the stories were made public in *Bringing Them Home* they spoke to all Australians in a way that no amount of lobbying on the part of SNAICC or any other organisation could. These were human experiences, tragedies, and abuses of children that we can all relate to. They could no longer be denied and are now

part of the Australian consciousness, whether or not our prime ministers choose to apologise for their commission.

From the day in 1990 in Brisbane that SNAICC called for an inquiry, there was no guarantee that it would happen or that it would solve all the problems that the removal policies caused. Calling for the inquiry did, however, harness the pent-up anger and grief within Aboriginal and Torres Strait Islander communities. The nineties saw a number of legal cases against state governments and one notable High Court action in relation to the removal of Aboriginal children. The experiences for all those litigants, whose cases inevitably failed, were of compounding trauma through denial and rejection by the state. It was obvious that the legal system was not going to provide redress to many people and subjecting them to the adversarial method of denying their claims was only going to damage them emotionally. On top of this, the time and effort it took to mount a case was discouraging. There had to be another way.

When it eventually came about in those weeks in 1995, it all happened so quickly. In reality there were many times along the way I thought we were shouting in the wilderness. It was nevertheless a major achievement for SNAICC. One that was recognised by the President of HREOC, Sir Ron Wilson, when, late in 1995 after the announcement of the National Inquiry, he led a delegation of all seven Human Rights Commissioners to meet with the Chairman of SNAICC, Brian Butler, and myself at our Melbourne office in Fitzroy.

This meeting was a recognition of SNAICC’s central role in bringing about the National Inquiry. But as Brian Butler had always pointed out and continues to do so, SNAICC was merely carrying the baton. In Linda Briskman’s history of SNAICC, he says:

There are a whole lot of people. I mean this didn’t just happen when the ACCAs and when SNAICC were born. All ACCAs and SNAICC did was carry on from what our grandmothers and grandparents had already started years before. In those days they didn’t have a telephone to go to, they didn’t have the mail services, they didn’t even have anyone to talk to when their children were being taken away.¹

There were many people around the country who had devoted their lives to achieving justice in relation to this matter. Those who rose to prominence in the course of the HREOC Inquiry may forever receive the accolades, but in the pages of the report the unidentified stories are the great strength and the real reason it all happened.

Here is something of a chronology of significant events as I recall them. While the dates maybe slightly off, the events happened and I note them because from my perspective they made a significant contribution to the momentum that led to the National Inquiry in 1995 and that drove us as an organisation. I feel very privileged to have played a small part in it.

1982 *Lousy Little Sixpence*, a documentary about the removal of Aboriginal children based on the autobiography of Aunty Marj Tucker, is released. This was one of the few mass-media format documentaries at the time that started to lift the lid on the removal policies.

1983–1984 Coral Edwards and Peter Read form Link-up in Canberra.

Peter Read's pamphlet *The Stolen Generations* is published by NSW Aboriginal Affairs. This pamphlet set the die as far as my own understanding of the removal policies is concerned. The cruelty of the removal of hundreds if not thousands of children from their families and the way they were treated afterwards was seared indelibly on my heart and mind from that moment onwards.

Ironically, I only slowly discovered that my colleague, Bill Bellings, the first SNAICC Executive Officer, had himself been removed and adopted by a white family in the northern suburbs of Melbourne. I say slowly because rather than relate his life story to me, his story was revealed to me through my travels with him, during which I met some of the significant people in his life. Bill was a brilliant man who died too young but nevertheless gave a great deal towards the formation of SNAICC and to Aboriginal child welfare in this country.

Late 1980s The campaign for an inquiry into the death in custody of John Pat becomes the national campaign for a Royal Commission into Aboriginal Deaths in Custody.

Russell Moore, adoptive name James Savage, is sentenced to death in Melbourne, Florida. After this shocking news travelled back to Melbourne, Australia, and Fitzroy in particular, the local Aboriginal community mobilised and sought to provide support to his family here. Later on a delegation including expert witness support from Aunty Mollie Dyer and Peter Read flew to Florida for James's appeal. James had been adopted by a Salvation Army family named Savage who returned to the US to live.

James Savage's case made the removal policies local, personal and contemporary. This was not just a matter of historic interest. It was becoming clearer to all what sort of impact the policies were having on Aboriginal people as a lived issue.

1990 The publication of *Aboriginal Child Poverty* by the Brotherhood of St Laurence (BSL) in association with SNAICC was a watershed event for SNAICC. The report was part of the BSL series on child poverty in Australia prompted by Prime Minister Bob Hawke's statement about "no child living in poverty by 1990". It gave the organisation national exposure and credibility in the mainstream community, in the sector and amongst policy makers. The late Mum Shirl launched the book at the Aborigines Advancement League in Melbourne. It is hard to gauge the impact of this report although the BSL did say that it was the best seller in the series. From SNAICC's point of view it opened doors to strategic relationships that were going to be very important in bringing about the National Inquiry. These included organisations such as the Australian Council of Social Services and the Australian Institute of Family Services amongst a number across the nation.

1990s The documentary *Lost Children of the Empire* and studio discussion hosted by Peter Couchman was broadcast by the ABC. I wrote to Peter and his Executive Producer highlighting the irony of a documentary about British children being removed when the very thing happened right here in Australia. Soon after I wrote the letter I met with Peter Couchman and his Executive Producer and we discussed the possibility of have a *Couchman Show* on the subject of the Stolen Generations. The SNAICC Executive agreed to a studio discussion on the subject of the Stolen Generations to coincide with SNAICC's national conference in Brisbane. Amongst the studio audience present that day were Aunty Mollie Dyer, Stan Grant from Link-Up, Heather Shearer and many others.

- 90s** Marjorie Thorpe (former VACCA Program Director and eventual Co-Commissioner of the Human Rights Enquiry into the Removal of Aboriginal & Torres Strait Islander Children) and Jane Mckendrick publish results of research into Aboriginal people seeking psychiatric services through the Victorian Aboriginal Health Service that found a large number of them had been removed from their families.
- Barbara Cummings's book, *Take this child...*, about the Kahlin Compound and the Retta Dixon Home in the NT, is published. Barbara gave SNAICC permission to use the front cover of her book as a National Aboriginal and Islander Children's Day Poster in 1991, the first calling for a National Inquiry into the removal of Aboriginal Children. Subsequent years when we had this theme included 1992 with Clive Atkinson's design and 1995 with a painting by Isobel Coe.
- 1991** The Royal Commission into Aboriginal Deaths in Custody report shows almost half of those who died in custody were removed from their families. The Royal Commission was the only show in town when it was on. It absorbed a lot of resources in terms of time, money and people but I believe it explored many issues in great detail and examined the deaths of individuals with thoroughness.
- 1992** Paul Keating's famous Redfern speech is delivered on the eve of the UN International Year of Indigenous Peoples, acknowledging the official removal of Aboriginal and Torres Strait Islander children. This was a positive sign for the campaign to establish the Inquiry.
- 1993** During the United Nations Year of Indigenous Peoples Brian Butler is invited to make a keynote speech at the ACOSS Congress in Melbourne. Also, the Australian Institute of Family Studies publishes an issue of its journal, *Family Matters*, entirely devoted to Aboriginal children and family issues.
- 1994** The Stolen Generations Group in the Northern Territory launch High Court action against the Commonwealth to say it exceeded its authority in giving public servants the power to remove Aboriginal children. The High Court eventually found against the claimants.
- The Going Home Conference is held in October of this year with a reunion of many of the former residents of the Retta Dixon Home and the Kahlin Compound.

The Inquiry punched well above its weight and certainly above the \$1.5 million it was given to conduct the entire national process. The *Bringing Them Home* report has a life of its own, not just because many of the people in its pages are still alive today – literally and metaphorically. Today there are Bringing Them Home and Sorry Day groups all around the nation. It has become the baton that SNAICC picked up when it was formed. The work is a long way from being finished but the landscape is unrecognisable when compared to 1990.



Nigel D'Souza moved to Australia in 1982 and cadged a lift up to the Commonwealth Games protests in Brisbane. While in Brisbane he made contact with Koories from Victoria and soon after organised a cricket match in Melbourne between the Fitzroy

Stars and a rag-tag team of players from various parts of the Indian sub-continent. This match became an annual affair for a number of years. In 1983 he was recruited by the National Aboriginal and Islander Health Organisation (NAIHO) to travel to Kintore in the NT to assist the community in establishing its first community-controlled health organisation. After completing his work there he was invited to work for SNAICC and did not leave them for another fifteen years. Nigel has two children with his wife Lata and lives a quiet life in Melbourne. He has a Degree in Economics from Manchester University and a Masters in Social Policy from RMIT University.

¹ Briskman, Linda, 2003 *The Black Grapevine: Aboriginal Activism and the Stolen Generations*, The Federation Press, Sydney, p.68.

The long road home: Karu Link-up, the NT Stolen Generations and the campaign for the National Inquiry

By Rosie Baird, Karu Aboriginal Family Support Agency

This time-line covers my recollections of the involvement of Karu Aboriginal Child Care Agency's Link-up Programme in highlighting the Stolen Generations in the Northern Territory, our involvement in the 'Going Home Conference' and the progress of the recommendations from the *Bringing Them Home* report.

The events leading up to and after the National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from their Families were very exciting ones for us. We watched and anticipated massive changes in policy and funding allocations, which was so important in the Northern Territory where the Stolen Generation groups were demanding what they saw as their social justice.

This chain of events and the vision of Australia acknowledging the Stolen Generations was born even before the Northern Territory (NT) achieved self-government in 1978. It is a story of vision, commitment, dedication and community development under Karu's Link-up Programme.

Before self-government, the NT consulted with the Aboriginal community about the creation of the *Community Welfare Act* to deal with child welfare and the placement of children. In these consultations it was anticipated that a new Aboriginal agency would be set up to advise on the placement of children taken into care due to child protection issues. It was also envisaged that such an agency would provide much needed support to families whose members had been removed under past government policies of separation and placed in 'half-caste institutions' on island missions and gazetted reserves – those who were now alone and isolated and struggling, trying to live in the major urban centres of the NT.

During these consultations it became clear that the NT would not be providing any form of support services as they believed that the Stolen Generations were the result of Commonwealth legislation and policy. However, such a community controlled Aboriginal organisation - Karu Aboriginal & Torres Strait Islander Child Care Agency, was established. It was incorporated in 1985 after the passing of the *Community Welfare Act 1983*, which included in Section 69 the first Aboriginal Child Placement Principal.

From day one, Karu (which is now incorporated as Karu Aboriginal Family Support Agency) took on programme delivery of Foster Care Placement and, because of community demand, provided Link-up services – *that is supporting those who had been removed from their families as children and assisting*

them in tracking down and being reunified with their families. I commenced in the position of Link-up Co-ordinator in March 1995 and have seen since then the expansion and allocation of enhancement funding to Link-up services. The increased funding, training and provision of a national Link-up forum enabled the Link-up services across the country to deliver a national service for the benefit of our clients.

During those earlier years, because of a lack of funding and a national Link-up forum, we relied on SNAICC as our national peak body to bring our issues to the national level and to force changes to assist our community. We acknowledge the past Chairperson of

The saying we used was "Are you getting on the Bus?" or "You'll miss the Bus," as we all laughed excitedly that our families and people finally had the opportunity to discuss the Stolen Generations at a National Forum of NT Stolen Generation people.

SNAICC, Brian Butler, who presented a paper at the 1990 Australian Child Protection Conference, representing SNAICC's members, the Aboriginal and Islander Child Care Agencies. The paper was titled 'Aboriginal Child Protection' and stated "We also want an Inquiry into the removal of Aboriginal children. For too long this issue has been kept under wraps".

In the NT the issue of removals was being discussed widely by the community, with the research into child removal by Barbara Cummings being completed and published in 1990. Barbara, a founding member of Karu, launched her book in Darwin at the Bagot Community on NAIDOC day. I bought a raffle ticket and was lucky enough to win a copy of the book *Take this Child... from Kahlin Compound to the Retta Dixon Children's Home!* This was my first meeting with Barbara and I have since enjoyed our connection and learned much through it about the value of community development.

Barbara's book "includes detailed analysis of the social and political forces which resulted in the displacement of part-Aboriginal children in the Northern Territory". It set the train in motion for the 1994 'Going Home Conference' held at Kormilda College in Darwin.

The NT mob never used the word train because Darwin didn't have a train, but the saying we used was "Are you getting on the Bus?" or "You'll miss the Bus," as we all laughed excitedly that our families and people finally had the opportunity to discuss the Stolen Generations at a National Forum of NT Stolen Generation people. Excited, they returned to the Top End to meet up with each other again.

By 1991 the Royal Commission into Aboriginal Deaths in Custody was in progress. The report found that "43 of the 99 deaths of Aboriginal people investigated were those with a background of removal and institutionalisation." Recommendation 53 enabled Karu to receive funding to deliver Link-up services to our region and this platform was used to progress social justice issues for Stolen Generation people. The 1994 International Year of the Family, under the leadership of Social Justice Commissioner Mick Dodson, provided the politically ideal time for the rights of Stolen Generation people to be heard.

The 'Going Home Conference' was hosted by Karu under the Link-up Programme with the leadership and guidance of Chairperson Barbara Cummings and the professional expertise of our Consultant Ms Jacqui Katona. On the agenda for group discussion and workshopping were:

- Access to Archives;
- Rights to Land;
- Social Justice – Social & Economic disadvantages;
- Compensation and Counselling.

The outcomes of the Conference are documented in the publication *The Long Road Home* and copies can be obtained from Karu.

In the community consultation period leading to the Conference, I was privileged to be nominated to represent the Garden Point members who were institutionalised on the mission on Melville Island. During group discussions we encountered all sorts of emotions, from denial as some thought we were attacking the Church and mission workers, to confusion as people came to understand the Government policies that enforced their removal from country and family for the purposes of segregation and assimilation. A process we now understand as Genocide.

The Conference was a great success after months spent sending out letters of awareness and invites to every politician and person of importance. The Government Archives were invited to present and to progress access to records for family tracing. Mr Galarrwuy Yunupingu, Chairperson of the Northern Land Council, was invited to discuss the issue of Land Rights for Stolen Generation people and their families and was met with some hostility and bad feeling. The Church leaders were invited to speak and came along a bit dubious and in defence mode.

The then federal Minister for Indigenous Affairs, Mr Robert Tickner, presented at the Conference and stated at its opening that there was merit in a comprehensive study being done on the former practice of the removal

of Aboriginal children from their families. It is a credit to all those who participated in the Conference that by the time the Minister left Darwin, the National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from their Families was informally in progress.

A natural progression from the Conference was a test case for NT Stolen Generation members in the High Court – *Kruger & others v. the Commonwealth of Australia*. Sadly, the High Court ruled in favour of the Commonwealth and this decision stalled and created adverse publicity for the Stolen Generations' aspirations for recognition of their history of removal, a national apology, repatriation and compensation.

In progressing formal pathways for assisting our Link-up clients, Karu was an important stakeholder in the consultations with the NT Government in the opening of the Northern Territory Adoption Register in 1994.

The ripple effect of the "Going Home Conference" resulted in the NT record holders giving Link-up access to records for Stolen Generation families requesting family tracing and unification.

In progressing access to records I was invited to present a paper 'Researching the Displaced Children', at the Australian Society of Archivists National Conference in Alice Springs in May 1996. This forum was a way forward to exchange knowledge and understanding on both sides. It was also an opportunity to progress the recommendations that were vital for providing assistance in family tracing. The NT Stolen Generation Inc., the NT Link-up Services and National Australian Archives signed a Memorandum of Understanding giving access to records in March 1997. This document was signed one month before the release of the *Bringing Them Home* Report. This was followed by a Memorandum of Understanding between the stakeholders and the NT Archives Service giving Link-up access to all relevant records held by NT Government Agencies.

As a member of the SNAICC National Executive and holding the Families portfolio, I had the opportunity to highlight Stolen Generations' issues as a speaker for the workshop on Indigenous removals at the 1998 International Conference, 'Asia Pacific Forum on Families: Will Australia's Involvement make a Difference?'. I was able to convey to a wider audience an Indigenous perspective on the effects of removal.

As the SNAICC representative, and because of my involvement with Link-up and the Stolen Generation members, I was nominated to the 'Bringing Them Home Pilot Project National Library of Australia Advisory Committee' to help oversee the oral histories pilot project. The purpose of this project was to provide "a rounded history" of removals in Australia from an indigenous and non-indigenous perspective and it ran from 1 July 1998 to 30 June 1999.

Following the National Inquiry, changes occurred across Australia. The Link-up services received enhanced

funding for upgrades of resources, reunion funds, staffing positions and reviews of salaries. The Link-up services were able to regularly meet at national forums and adopted a memorandum between services working together across state and territory boundaries. Western Australia negotiated an agreement to fund several Link-up services across the state. The Australian Institute of Aboriginal and Torres Strait Islander Studies provided training in family tracing and provided a free-call 1800 telephone number and a Link-up contact position. Funding was distributed through the National Aboriginal Controlled Health Organisations to resource the Emotional & Social Well Being services.

The ripple effect continued and spread to records holders. The National Australian Archives commenced indexing Indigenous records. The churches indexed their records and made them available for family tracing. Tracing aids were published and the work of tracing families became just a little bit easier with everyone working together.

In 2007 the Tasmanian Government passed the Bill to compensate the Stolen Generation people of Tasmania. The elderly NT Stolen Generation members now hold their breath in anticipation and hope that the Draft Stolen Generation Compensation Bill 2007 by Senator Bartlett of the Australian Democrats is progressed through Parliament and enacted.

¹ Cummings, Barbara, *Take This Child... From Kahlin Compound to the Retta Dixon Children's Home*, Aboriginal Studies Press, Canberra 1990

In the Northern Territory our organisation is still a member of SNAICC, with our Director, Natalie Hunter, on the SNAICC National Executive, and I continue to work in Link-up. Sadly, many of our Stolen Generations members have passed away. Ms Barbara Cummings is an advisor to Karu and with Ms Jacqui Katona responded to Senator Bartlett's draft Bill by forwarding an Information Paper in support of monetary compensation.

We all continue to wait, but will also continue to make changes through community development.



Rosie Baird was born, educated and raised in Darwin, Northern Territory. She is currently the Link-up Co-ordinator at Karu Aboriginal Family Support Agency in Darwin. Rosie was previously a representative on the SNAICC National Executive holding the portfolio of Families.

She was a Community Representative of 'The Going Home Conference' in 1994, representing the Garden Point people. She is presently completing her Bachelor of Arts (Social Science).



“

“The impact of intervention in the lives of Aboriginal families has been partially addressed in the Royal Commission into Aboriginal Deaths in Custody. The Royal Commission found that 43 out of the 99 whose deaths it investigated had some history of child removal. While it registered this fact it did not follow through this finding by establishing the legacy of the removal practices. Anecdotal and some research evidence suggest that the fragmentation of families resulting from these practices has had far-reaching consequences which persist in the form of fragmented families today. Other notable effects of this policy are mental ill-health, confusion of identity, inability to develop social relationships, inadequate parenting skills amongst those affected.”

”

SNAICC'S REPORT TO THE NATIONAL CHILD PROTECTION COUNCIL REGARDING THE DEVELOPMENT OF A NATIONAL POLICY FOR THE PREVENTION OF CHILD ABUSE AND NEGLECT IN ABORIGINAL AND TORRES STRAIT ISLANDER COMMUNITIES, 1993.

A twilight of knowing: the Australian public and the *Bringing Them Home* report

By Professor Anna Haebich, Griffith University

The *Bringing Them Home* report was destined for controversy. As an official document, it was unprecedented in the power that it gave to Aboriginal and Torres Strait Islander testimony to tell the truth about the nation's past. Its findings of cultural genocide and the legacy of trauma were confronting, to say the least. Couching its findings and recommendations in the language of international human rights was like a red rag to a bull for a parochial nation. The report also prompted profound public anguish, with waves of shock, shame, grief, sympathy and support spreading across the nation epitomised in the image of the then Leader of the Opposition, Kim Beazley, weeping openly as he addressed federal parliament.

Shocked by the report's revelations, many Australians claimed to have known nothing about the Stolen Generations – this sort of thing simply did not happen in a nation where the family is sacrosanct and children and parents are separated only as a last resort and in the children's best interests. In response to the *Bringing Them Home* report a new people's movement emerged, expressed in the celebration of Sorry Days, Sorry Books, Journeys of Healing, Reconciliation Marches with 'SORRY' written in the sky, and so on. But there were others who questioned the report or claimed that they were not guilty for what happened in the past. Few on either side could contemplate the concept of genocide in Australia, nor were they ready to endorse compensation that threatened to billow out into millions of dollars of taxpayers' money.

When the public looked to the federal government for leadership on the issue they found a culture of denial that claimed the Stolen Generations had never happened and a hard-hearted refusal to apologise. Instead, in 1998 the federal government offered a \$63 million package to government agencies to address family separation and its consequences over a four-year period. Aboriginal and Torres Strait Islander stakeholders and organisations were effectively cut out of the loop. In 2000 a Senate Committee inquiring into the implementation of the *Bringing Them Home* report's recommendations found that the government had failed to provide the necessary leadership or supervision and recommended the creation of a reparation tribunal, a national memorial, a national apology and a national summit – none of which ever eventuated. At the time Prime Minister John Howard was accused of capitalising on the issue to drive a wedge

between Aboriginal and Torres Strait Islander peoples and other voters, of using it to play the race card. Whatever his political intentions, his response allowed debate to descend into acrimonious mudslinging and character assassination of Aboriginal and Torres Strait Islander leaders and their supporters.

It is normal for issues to run their course on the media fast track and for the fickle public to shift its attention to other compelling matters – in this case asylum seekers and the threat of terrorism. The Stolen Generations issue slipped from the radar screen fanned on by the oppositional nature of debate that encouraged public questioning, frustration and, finally, fatigue. "Who is right?", "How can I ever know?", "What can I do about it?" and finally and tragically, "Well, who cares?". Adding to the confusion and sense of helplessness were sensational media reports of Aboriginal and Torres Strait Islander families in crisis with high levels of domestic violence, substance misuse, child abuse, rates of child removal, juvenile incarceration, and adult imprisonment. Further fogging the issue was the federal government's shameless intransigence in rejecting repeated demands by Aboriginal and Torres Strait Islander leaders for an apology and compensation for the Stolen Generations linked to a comprehensive package incorporating self-determination, sovereignty, a treaty, proper recognition of native title, economic development, health, education, housing, and so on. Instead Howard offered the lean backdoor meal of practical reconciliation and shared responsibility agreements.

It may seem hardly surprising then that, despite the initial charged emotional response to the *Bringing Them Home* report, many Australians dumped the issue into the 'too hard for me basket' and let it slide back into the twilight zone unresolved. I say 'back into the twilight zone' deliberately because this was by no means the first time the issue had been publicly aired only to disappear off the radar screen. Research for the *Bringing Them Home* report and for my book *Broken Circles* clearly demonstrates that evidence about Aboriginal and Torres Strait Islander child removal circulated openly in the public arena from early colonial times to the present. It is true that until recent decades few members of the public could have known the full extent and systematic nature of removal practices. However, there was certainly sufficient evidence out there to expect some public awareness of what was happening to Aboriginal and Torres Strait

Islander families. It was therefore puzzling to hear so many Australians exclaiming on hearing the disclosures of the *Bringing Them Home* report, “I’m sorry, I just didn’t know”.

So what was happening when people said “I’m sorry, I just didn’t know,” when the government removal of Aboriginal and Torres Strait Islander children was so widespread and was never a ‘state secret’? Following the Second World War, Albert Speer – Hitler’s principal architect and close collaborator – asserted that he was unaware of the Nazi’s Final Solution of Jewish genocide. In coming to terms with this outrageous claim Speer’s biographer Gitta Sereny pondered whether it was possible for people to operate in “a twilight between knowing and not knowing” when it comes to the inhumane treatment of racialised groups in their midst. In his 1968 Boyer Lectures, the Australian anthropologist WEH Stanner spoke of a peculiar kind of public blindness – what I call a twilight of knowing *and* not knowing – amongst Australians concerning Aboriginal and Torres Strait Islander issues over the years, so that what began as a “simple matter of forgetting of other possible views turned under habit and over time into something like a cult of forgetfulness practised on a national scale.”

Consider this argument. There is an easy slippage between a mind-set that promotes the distancing and dehumanising of groups targeted on the basis of race, age, gender and so on and the acceptance and normalising of their unequal treatment. In the process their discriminatory treatment becomes normalised to the extent that it is rendered unremarkable and virtually invisible to the wider society, even as it may assume increasingly harsh forms. Large numbers of people can tacitly support these processes without fully acknowledging the meaning of what they are doing. They are operating in a twilight state of knowing and not knowing. This is not peripheral to what is happening but is an integral part of the oppression to which they contribute directly or indirectly. This state of knowing and not knowing is powerful and obstinate, persisting in the face of circulating knowledge, observable evidence, personal encounters and even public protests.

Let’s apply this to the Australian context. Settler Australians have a long history of discriminatory attitudes and behaviour towards Aboriginal and Torres Strait Islander people. This has encouraged acceptance of processes that dehumanised and distanced Aboriginal and Torres Strait Islander people. They were forced off their land and left to survive in conditions of abject poverty that threatened their very survival. They were subjected to official policies of protection, segregation, absorption and assimilation that were embodied in punitive systems of legislative and administrative control. This discriminatory treatment was observable and acceptable to most white Australians. In their minds this

was just how Aboriginal and Torres Strait Islander people lived and also how they had to be treated ‘for their own good’. In the process their treatment became normalised to the extent that it became unremarkable, irrelevant and almost invisible to white Australians. Indeed, all was as it should be – there was nothing remarkable or exceptional to notice or to question and in the rush of life’s events such things were overlooked and ultimately forgotten.

Now let’s apply the argument to the forcible removal of Aboriginal and Torres Strait Islander children. From the late nineteenth century to the mid-twentieth century, most states and territories introduced discriminatory regimes for dealing with Aboriginal and Torres Strait Islander families that stood in marked contrast to ways of treating white families. These incorporated discriminatory legislation, networks of institutions, rigid state control of Aboriginal and Torres Strait Islander families and the removal of children. These practices of child removal became accepted as the norm and, indeed, as unremarkable, in official practice and in the public domain. While some members of the public may have sympathised with the grief of the mothers, most – if they thought of it

White Australians drift in a twilight of knowing and not knowing so that we fail to see, fail to register, fail to retain the enormity of what is happening in relation to Aboriginal and Torres Strait Islander people around us.

at all – accepted that separation from their families was in the children’s best interests. Indeed, the state’s duty of care, education and training of Aboriginal and Torres Strait Islander children became synonymous with taking them from their families and subjecting them to ‘civilising’ regimes in institutions or white homes. It was for the children’s own good.

Here we see a fundamental flaw in our national public understanding of Aboriginal and Torres Strait Islander issues. White Australians drift in a twilight of knowing and not knowing so that we fail to see, fail to register, fail to retain the enormity of what is happening in relation to Aboriginal and Torres Strait Islander people around us. At the same time we contribute to what is happening through our actions and inattention. Aboriginal and Torres Strait Islander issues surface into public consciousness for a time and arouse outpourings of concern but then subside back into the twilight zone often unchanged to be forgotten and left to worsen until some event brings them back into the light again. This remains powerful today. How else to explain the public inattention to the Stolen Generations issue over the last few years or indifference over present

escalating rates of Aboriginal and Torres Strait Islander child separation? And what of the sudden 'exposure' of the 'crisis' in Aboriginal communities in the Northern Territory? Will this follow the same fate as the Stolen Generations and slip back into that twilight of knowing and not knowing before real positive changes have been made for Aboriginal and Torres Strait Islander people?

References

Anna Haebich 2000, *Broken Circles Fragmenting Indigenous Families*, Fremantle Arts Centre Press, Fremantle.
 Gitta Sereny 1996, *Albert Speer: His Battle With Truth*, Random House, London.
 WEH Stanner 1969, *After the Dreaming: Black and White Australians – an Anthropologist's View, 1968 Boyer Lecture*, Australian Broadcasting Commission, Sydney.



Anna Haebich is Professor and Director of the Centre for Public Culture and Ideas at Griffith University, Queensland. Her multi-award-winning book *Broken Circles: Fragmenting Indigenous Families 1800–2000* was the first national history of the Stolen Generations. Anna is co-editor of

Many Voices: Reflections on Experiences of Indigenous Child Separation, co-author of *The Stolen Generations: Separation of Aboriginal Children from their Families* (1999), producer of the video *WA's Stolen Generations*, and author of *For Their Own Good: Aborigines and Government in the South West of Western Australia*. Her next book, due out in early 2008, is *Spinning the Dream – Assimilation in Australia*.

Anna brings to her research her personal experiences of Nyungar community life through her husband Darryl Kickett and her stepchildren and grandchildren and extended family. She has worked for various Aboriginal organisations in Western Australia.

1992: My Family Where Are You – Enquiry into the Removal of Aboriginal and Islander Children

The Children's Day theme and poster for 1992 once again called for the national inquiry into child removal and highlighted the experiences of the Stolen Generations. The poster featured a strong image and design by Clive Atkinson. The theme also highlighted the search by so many Aboriginal and Torres Strait Islander people for their families – adults who had been removed as children were now seeking their parents and extended families, while mothers, fathers, grandparents, siblings, and other relatives were seeking family members who had been removed from them as children.

Not one without the other: Human rights and Aboriginal and Torres Strait Islander children's well being go hand in hand

By Terri Libesman, University of Technology, Sydney

On 21 June 2007 the *Sydney Morning Herald* carried out the following online reader's poll:

Howard's intervention in Aboriginal child abuse:

Was the PM right to take such tough measures in the Northern Territory?

Yes: It's a huge and tragic problem that needs decisive action

No: Aboriginal rights could be set back decades

This poll was referring to the federal government's well publicised intention to utilise the Australian army to take over approximately 60 Aboriginal communities in the Northern Territory, following a year of intense media coverage with respect to sexual abuse of children in the Territory's Aboriginal communities. This poll could be interpreted as suggesting that you either support child protection and the prime minister's 'tough' measures or you support Aboriginal and Torres Strait Islander rights. At the Australian Social Policy Conference held in July this year a speaker, in the context of discussing the Northern Territory 'emergency' response, suggested that the *Bringing Them Home* report deterred child welfare interventions with respect to Aboriginal and Torres Strait Islander children. These examples are provided to illustrate two common and related misconceptions that have made it uncomfortable for many people to criticise the harsh and extreme measures being taken by the Australian Government in the Northern Territory. They have also contributed to a view that to support the human rights approach to addressing Aboriginal and Torres Strait Islander children's contemporary needs advocated in *Bringing Them Home*, and by many Aboriginal and Torres Strait Islander and non-Indigenous organisations nationally and internationally, is to neglect these children's safety.

This article suggests that the failure to address Aboriginal and Torres Strait Islander children's needs is not to do with denial on the part of Aboriginal and Torres Strait Islander communities but rather a failure by successive governments to address the enormous inequality in services and resources available to Aboriginal and Torres Strait Islander communities¹, their failure to respond to Aboriginal and Torres Strait

Islander organisations and the numerous reports with respect to Aboriginal and Torres Strait Islander children's needs, and their failure to recognise the importance of cultural safety as an essential aspect of these children's and communities' well being. These requirements are recognised and addressed in international human rights treaties such as the Convention on the Rights of the Child, which Australia is party to, and in the recommendations of national reports such as *Bringing Them Home*, the report of the National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from Their Families.²

The pervasive media coverage of the most horrible and sensational incidents of abuse in Indigenous communities contributes to a perception of Aboriginal and Torres Strait Islander communities as outside of civil society and lawless. Within this distorted framework the emergence of assimilationist ideas is able to take hold. This kind of denigration is not only destructive of the creative and successful efforts that Aboriginal and Torres Strait Islander organisations and communities have made, the self image and identity of Aboriginal and Torres Strait Islander people, but also fuels the racist fear that supporting Aboriginal and Torres Strait Islander law, culture and communities is implicitly supporting child abuse, corruption and failed initiatives. However, successive state, territory and federal governments have failed to respond to reports and recommendations with respect to violence and child abuse in Aboriginal and Torres Strait Islander communities, many researched or advocated for by Aboriginal and Torres Strait Islander organisations, over the last 20 years³.

Governments have failed to implement the two-tiered recommendations with respect to Aboriginal and Torres Strait Islander children's welfare recommended by *Bringing Them Home*, which will be discussed below, and governments have failed to address the structural inequality and poverty which so many Aboriginal and Torres Strait Islander communities face. At the heart of safe communities are communities whose laws and culture create an environment of order, stability and security. Disorder and despair are by products of environments where culture has been eroded, and where poverty and structural inequality is pervasive⁴.



Governments' failure

It is disturbing that on the tenth anniversary of *Bringing Them Home* key findings with respect to the welfare and well being of Aboriginal and Torres Strait Islander children have not been addressed by Australian governments. While communities told the National Inquiry about their need for effective child protection services, not a single submission from an Aboriginal and Torres Strait Islander organisation saw welfare department intervention as an effective way of dealing with Aboriginal and Torres Strait Islander child protection needs. The National Inquiry noted that

Over a decade after the release of *Bringing Them Home*, child welfare departments have failed to shift perceptions about them or their role within Aboriginal and Torres Strait Islander communities.

child welfare departments will need to be completely overhauled. While legislative reviews have taken place in each state and territory, and some constructive reforms have been implemented with respect to Aboriginal and Torres Strait Islander children, they fall far short of the recommendations made in *Bringing Them Home* or reforms in other jurisdictions such as Canada, the US and New Zealand⁵. In recent focus group meetings with Aboriginal and Torres Strait Islander parents and carers

in nine communities across the country, a consistent message was that there is an ongoing perception of child welfare departments as failing communities and an ongoing lack of trust or faith in child welfare departments⁶. This is an important and disturbing finding. Over a decade after the release of *Bringing Them Home*, child welfare departments have failed to shift perceptions about them or their role within Aboriginal and Torres Strait Islander communities. Governments have also failed to implement recommendations 43 and 44 of *Bringing Them Home*, which are key recommendations with respect to current child welfare made by the Inquiry. These are discussed below.

Aboriginal and Torres Strait Islander children continue to be over represented in their contact with all child welfare departments with the greatest level of over representation in out of home care⁷. At the same time Aboriginal and Torres Strait Islander children, families and communities face structural poverty and systemic inequality. Peak Aboriginal and Torres Strait Islander organisations have called for national legislation and a national approach with respect to child welfare in their communities. While the need for a national approach to addressing these children's well being has not been heeded, the federal government, on the fortieth anniversary of the 1967 referendum, is unilaterally responding to child sexual assault in the Northern Territory in a manner which defies international human rights law, the rule of law and national and international research with respect to Indigenous children's well being⁸. It is timely to reflect on the recommendations of the National Inquiry with respect to Aboriginal and Torres Strait Islander children's well being, which place their welfare in a framework of equality, democracy and international human rights.

***Bringing Them Home's* recommendations**

There are two fundamental matters which need to be addressed with respect to Aboriginal and Torres Strait Islander children's well being. The first is addressing the structural poverty and inequality that so many Aboriginal and Torres Strait Islander communities face⁹. The second is addressing the cultural safety and identity of children and communities¹⁰. Both these issues are essential for securing Aboriginal and Torres Strait Islander children's fundamental human rights including their safety, dignity and security. *Bringing Them Home's* two-tiered recommendations with respect to child welfare enable both these needs to be addressed. The Inquiry noted the desire by Aboriginal and Torres Strait Islander organisations to exercise greater control over their own children and young people. The Inquiry also recognised that different communities have different levels of capacity and aspirations with respect to controlling child welfare. The Inquiry recommended that national

legislation be negotiated and adopted between Australian governments and key Indigenous organisations, that this legislation bind Australian governments, that it facilitate formation of binding agreements including either the partial or complete transfer of jurisdiction for child welfare to communities, that adequate funding and resources be provided to support the measures adopted by communities and that the human rights of Aboriginal and Torres Strait Islander children be protected regardless of whether an Aboriginal and Torres Strait Islander or non-Indigenous organisation is responsible for departmental and other functions¹¹.

The Inquiry also recommended that legislation that established minimum standards for the treatment of all Aboriginal and Torres Strait Islander children and young people, irrespective of whether they are dealt with by government or Aboriginal and Torres Strait Islander organisations, be developed. This legislation was to be negotiated by the Council of Australian Governments (COAG) and peak Aboriginal and Torres Strait Islander organisations¹². The Inquiry also recommended that a system for accreditation of Aboriginal and Torres Strait Islander organisations which perform child welfare functions be established¹³, that bench mark standards be established for defining the best interests of the child, that requirements be established for consultation with accredited Aboriginal and Torres Strait Islander organisations, that children have separate representation

in any court proceedings, that decision makers ascertain if a child is Aboriginal or Torres Strait Islander when a child comes to the attention of any statutory organisation¹⁴, that accredited Aboriginal and Torres Strait Islander organisations be consulted at each stage of decision making with respect to that child, and that legislative recognition be given to the Aboriginal Child Placement Principle, including the order of priority for the placement of children and wherever possible their ongoing contact with their family¹⁵.

These recommendations develop minimum standards for the immediate protection of Indigenous children and a longer-term framework for addressing underlying and structural problems. This two tiered approach recognises that immediate reform is necessary but that there also needs to be a longer term commitment of resources and that a process is required for capacity building within communities. These recommendations are founded on fundamental human rights including the right to equality, cultural identity, safety, and the civil protection of the rule of law. This is in stark contrast to the federal government's approach in the Northern Territory which proposes the discriminatory confiscation of Aboriginal property, the discriminatory withholding of social security payments based on race and place of residence rather than any other neutral criteria, and the arbitrary application of laws to Aboriginal peoples in the prescribed communities, which is in breach of the rule of law.



“

It begins, I think, with the act of recognition. Recognition that it was we who did the dispossessing. We took the traditional lands and smashed the traditional way of life. We brought the disasters. The alcohol. We committed the murders. We took the children from their mothers. We practised discrimination and exclusion.

It was our ignorance and our prejudice. And our failure to imagine these things being done to us. With some noble exceptions, we failed to make the most basic human response and enter into their hearts and minds. We failed to ask – how would I feel if this were done to me?

As a consequence, we failed to see that what we were doing degraded all of us.

”

THEN PRIME MINISTER OF AUSTRALIA, PAUL KEATING, IN HIS 'REDFERN SPEECH' TO LAUNCH THE INTERNATIONAL YEAR FOR THE WORLD'S INDIGENOUS PEOPLES, 10 DECEMBER 1992.

Conclusion

The 1967 referendum afforded the Commonwealth the opportunity to make laws for Aboriginal and Torres Strait Islander peoples. The campaigns to amend the Constitution were in the context of calls for political and civil equality. It is a great irony that on the fortieth anniversary of the referendum, and the tenth anniversary of *Bringing Them Home*, we are witnessing interventions by the Commonwealth, in the name of child welfare, which derogate from Aboriginal and Torres Strait Islander peoples' rights. Aboriginal and Torres Strait Islander children's well being will be served by engaging Aboriginal and Torres Strait Islander communities in reforms and processes to attain equality and cultural safety for their children.

The myth of a choice between Aboriginal and Torres Strait Islander human rights and the safety of children is founded on the false premise that Aboriginal and Torres Strait Islander rights are not directly connected to the safety and well being of children and that the Commonwealth has championed Aboriginal and Torres Strait Islander child safety in the context of a silence on this issue from Aboriginal and Torres Strait Islander organisations. The tenth anniversary of the *Bringing Them Home* affords the opportunity to respond to these myths and to renew calls for legislation and policy that supports equality and cultural security for Aboriginal and Torres Strait Islander children and communities.



Terri Libesman is a Senior Lecturer in the Faculty of Law at the University of Technology, Sydney. Terri has worked with SNAICC and researched in the area of Aboriginal and Torres Strait Islander children's well being for over a decade. She has conducted research for a number

of public inquiries including the Royal Commission into Aboriginal Deaths in Custody and the National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from their Families. She has researched and published in the areas of national and international legislation and policy which better serves Indigenous children and families and international human rights law with respect to Indigenous children and families.

- ¹ Australian Government Productivity Commission, *Overcoming Indigenous Disadvantage: Key Indicators 2005* (July 2005).
- ² HREOC (Human Rights and Equal Opportunity Commission) *Bringing them home. Report of the National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from their Families*, 1997. Referred to as *Bringing them home* in this article.
- ³ See for example Aboriginal Child Sexual Assault Taskforce, *Breaking the Silence: creating the future; addressing child sexual assault in Aboriginal communities*, Attorney General's Department, NSW, 2006; Robertson, B., *The Aboriginal and Torres Strait Islander Women's Task Force on Violence Report*, Department of Aboriginal and Torres Strait Islander Development, QLD, 2000; Atkinson, J, *Trauma Trails: recreating Song Lines*, Spinifex press, Melbourne, 2002.
- ⁴ Bamblett, Muriel, 'Stop the abuse of our children's culture,' *SNAICC News*, August–September 2006.
- ⁵ For an overview see Bell, T., and Libesman, T., *Aboriginal and Torres Strait Islander Child Protection Outcomes Report*, DHS Victoria and SNAICC, November 2006
- ⁶ SNAICC and Libesman, T, *Building Resilience in Australian Indigenous Communities*, Secretariat of Aboriginal and Torres Strait Islander Child Care, forthcoming.
- ⁷ Steering Committee for the Review of Government Service Provision, *Report on Government Services* (2006), Chapter 15. The rate of Aboriginal and Torres Strait Islander children in out-of-home care is more than six times greater than the national rate of non-Indigenous children in out-of-home care arrangements.
- ⁸ See press release 21 June 2007, The Hon Mal Brough MP, Minister for Families, Community Services and Indigenous Affairs
- ⁹ ABS, *National Aboriginal and Torres Strait Islander Survey*, 2002.
- ¹⁰ Chandler, M and Lalonde, C, 'Cultural continuity as a hedge against suicide in Canada's First nations', *Transcultural Psychiatry*, 35(2): 191-219 1998; SNAICC and Libesman, T, *Building Resilience in Australian Indigenous Communities*, Secretariat of Aboriginal and Torres Strait Islander Child Care, forthcoming.
- ¹¹ Recommendation 43, HREOC 1997 (Ibid).
- ¹² Recommendation 44, HREOC 1997 (Ibid).
- ¹³ Recommendation 45, HREOC 1997 (Ibid).
- ¹⁴ Recommendation 49, HREOC 1997 (Ibid).
- ¹⁵ Recommendation 51, HREOC 1997 (Ibid).

Aboriginal Organisation calls for Enquiry into ‘Stolen Children’: SNAICC media statement calling for the National Inquiry into the Removal of Aboriginal Children, issued on National Aboriginal & Islander Children’s Day, 4 August 1991

The national umbrella organisation of Aboriginal Child Care Agencies in Australia, the Secretariat of National Aboriginal and Islander Child Care (SNAICC), issued a call today for a national public enquiry into past government policies of removing Aboriginal and Islander children from their families.

Literally thousands of Aboriginal adults live with the trauma caused by these removal policies. Many of the mothers and fathers who had their children taken away are guilt and grief stricken. Their children are traumatised by the thought that they were unwanted. Identity conflicts rage in these children – now adults – who have lived most their lives as non-Aboriginal people,” Mr Brian Butler, the Chairman of SNAICC, commented.

The call was made to coincide with this year’s National Aboriginal and Islander children’s Day, held every year on 4th of August.

Although very little ‘hard’ data is available on the numbers of children that were removed, Dr Peter Read of the History Department at the Australian National University has estimated that at least 5000 were taken away in New South Wales alone.

Dr Read has said that one in six Aboriginal children were removed from their families, leaving no family untouched.

“Two recent studies on mental illness in the Aboriginal community have shown the incidence of

psychiatric disorder to be higher amongst adults who were removed from families or institutionalised as children. We have also found many of the children Aboriginal Child Care Agencies deal with are the children of adults who experienced childhood separation or institutionalisation. It is also no coincidence that the Royal Commission into Aboriginal Deaths in Custody found that half of the deaths it investigated were of people who were of this group of ‘stolen children’.”

“This issue is a ‘blank spot’ in the history of Australia. The damage and trauma these policies caused are felt every day by Aboriginal people. They internalise their grief, guilt and confusion, inflicting further pain on themselves and others around them. It is about time the Australian Government openly accepted responsibility for their actions and compensate those affected.” Mr Butler called for a Human Rights Commission Enquiry into the removal of Aboriginal children.

“We want an enquiry to determine how many of our children were taken away and how this occurred. We want the enquiry to hear from Aboriginal people about how they have been affected and what must be done to compensate.

“We also want to consider whether these policies fall within the definition of genocide in article 2 (e) of the Prevention and Punishment of the Crime of Genocide.”



Human Rights Commissioners meet with SNAICC, June 1995

First published in *SNAICC Newsletter* in June 1995

SNAICC representatives, Brian Butler, Wanda Braybrook and Nigel D'Souza, met with the President and five Commissioners of the Human Rights and Equal Opportunity Commission (HREOC) on June 9th to discuss issues related to the establishment of the National Enquiry into the Removal of Aboriginal Children.

The President of the Human Rights and Equal Opportunity Commission, Sir Ronald Wilson, said the meeting with SNAICC was acknowledgment that SNAICC had been pressing for this enquiry for a number of years. He added that he would be meeting with other peak organisations because he was keen to ensure that Aboriginal people feel they "own" this Enquiry. He said that the HREOC had already done some talking about the structure of the Enquiry but wanted frank responses to the proposals. The HREOC President also said that the Enquiry would be a Human Rights Commissions Enquiry which would involve all the Human Commissioners. Sir Ronald then asked the Aboriginal & Torres Strait Islander Social Justice Commissioner to outline the plans of the Commission.

Commissioner Mick Dodson began by saying that he expected there to be many occasions like the meeting with SNAICC during the course of the Enquiry. He said no money had become available for the Enquiry as yet from the Federal Government. He expected this to be provided in the new financial year. The HREOC has appointed one of its own staff – Jason Field – to work on the Enquiry at this stage. Commissioner Dodson said that there was a lot of interest in the Enquiry. He said that there is an abundance of existing materials on this subject both locally and overseas. Because of the insufficient funds available it was important to make the best use of the dollars available. He did not want the Enquiry to "reinvent the wheel". It would need to conduct a good audit of the literature and the research available.

Commissioner Dodson said that he expected the HREOC to employ six people to run the Enquiry. This would include the head of the Enquiry unit, who would be expected to be highly qualified to handle the administration and coordinate the writing of the final report. All the six positions would be Commonwealth classifications and would have the standard A & TSI criteria attached to them. The Commission is keen to target Indigenous people for the available positions.

The vacancies for the Enquiry unit will be advertised in national papers, A & TSI media and will be circulated through the HREOC mailing list.

Apart from the staff of the Enquiry, the Commission is keen to appoint a part-time Commissioner to hear evidence and assist the Enquiry. The Commission has not made a decision about this matter as yet.

The HREOC will also be appointing a number of people to an advisory committee for the Enquiry. SNAICC has been asked to suggest appropriate people for this Committee. It is expected that SNAICC will have a place on this Committee.

After hearing about the structure of the Enquiry SNAICC representatives raised a number of concerns.

The establishment of the Enquiry has raised expectations that it would assess compensation for those affected by the removal policies. The President of the HREOC, Sir Ronald Wilson, said that it was not within the terms of reference of the Enquiry to look at this as it could be in contempt of court in relation to the cases brought by Aboriginal people in courts around Australia. Compensation also needed to be addressed according to individual cases. The courts, Sir Ronald added, would decide the matter of monetary compensation.

Asked whether these court cases being brought by Aboriginal people would be affected by the Enquiry, the HREOC President and the A & TSI Social Justice Commissioner replied with a categorical "no".

The meeting closed with a commitment from SNAICC Chairman, Brian Butler, that SNAICC would support the Enquiry to ensure a successful outcome. Mr. Butler also stated that he felt that the amount allocated for the Enquiry was inadequate. This was underlined by SNAICC Executive member, Wanda Braybrook, who also said this Enquiry had the potential to be as big if not bigger than the Royal Commission into Aboriginal Deaths in Custody. She said that money should not be a consideration in the planning and running of it.

The full SNAICC Executive will be meeting with HREOC in Sydney in August to discuss matters further. The HREOC does not expect the Enquiry to get off the ground before August. Aboriginal people will be kept up to date with developments in the Enquiry through an Enquiry newsletter.

Some listen, some won't hear: the legacy of the *Bringing Them Home* report

By Professor Larissa Behrendt, University of Technology, Sydney

When I was growing up, I came to understand the impact of the policy of removing Aboriginal and Torres Strait Islander children from their families as I came to learn about the history of my own family and the policy's impact on them. My grandmother was taken away from Dungaleer Station, my father was raised in an institution and we didn't find our family until I was 11 or 12. I went to a high school where my brother and I were the only Aboriginal children and it used to make me angry that my classmates knew nothing about the policy that impacted on every Aboriginal family that I knew. It was a policy that explained all of the issues that my community dealt with, all the issues that the other students at my school didn't understand.

I had thought then that if people understood the stories about the Stolen Generations, knew the way that it impacted on the people who were taken from their families, institutionalised and exploited, and knew the way that it broke the hearts of the mothers and fathers, brothers and sisters, aunts and uncles and grandparents who were left behind, they would begin to understand Aboriginal and Torres Strait Islander people better. I thought that these stories about human suffering would at least help Australians understand why it is that Aboriginal and Torres Strait Islander people face the issues that we do and why we have the political agenda that we have.

When the *Bringing Them Home* report was first released, I thought that this was that moment in which the country would begin this education. The report was so powerful because, amongst all of the reports that have been done about Aboriginal and Torres Strait Islander people, it included the stories of the people who were taken away and the people they were taken from. And they were powerful stories.

The official response to the report was a lesson for me. Rather than the report being the moment I had always imagined – a point where Australians knew the true history of the Stolen Generations in a most powerful way – the federal government sought to dismiss the report and its recommendations. It claimed that the report was overly emotive because of its use of the word 'genocide' to describe the practice of systematically removing Aboriginal and Torres Strait Islander children from their families. It also claimed that many of the children were removed for their own good or with the best of intentions.

Most insidious was its attack on the report where it said that the practice only affected one in ten children (a controversial figure that is disputed by the experts). By referring to and embracing a cold hard statistic, the government was rejecting and silencing the voices and narratives from within the report. And it was silencing not just the stories of the one in ten who were taken away but also silencing the stories of all those who were left behind.

The federal government's attack on *Bringing Them Home*, its rejection of the recommendations and its

I thought that these stories about human suffering would at least help Australians understand why it is that Aboriginal and Torres Strait Islander people face the issues that we do and why we have the political agenda that we have.

dismissal of the powerful stories that the report contained were representative not just of its stance on the Stolen Generations but an indication of its general rejection of Aboriginal and Torres Strait Islander history and culture. The same attitude of trying to silence Aboriginal and Torres Strait Islander accounts of Australian history that would emerge in the federal government's support of the public commentators who would engage in what would become known as 'the history wars'.

These 'wars' will also attack the 'black armband view of history', dismiss the idea that massacres occurred on the frontier, and would generally reject the oral histories of Aboriginal people. This was a 'war' that the government would rage through some of the key national cultural institutions by appointing those who shared their ideological pre-disposition to everything from the National Museum of Australian to the Australian Broadcasting Commission.

Although academics and social commentators called these debates a war about 'Aboriginal history', I think that was misleading. There was not one Aboriginal and Torres Strait Islander person whose view of their own history was changed through the semantic debates about whether the removal of Aboriginal and Torres Strait Islander

children amounted to 'genocide' or how many people were killed on the frontier. These were not debates about 'Aboriginal' history. They were debates about non-Indigenous identity and about the story white people wanted to tell about their own history.

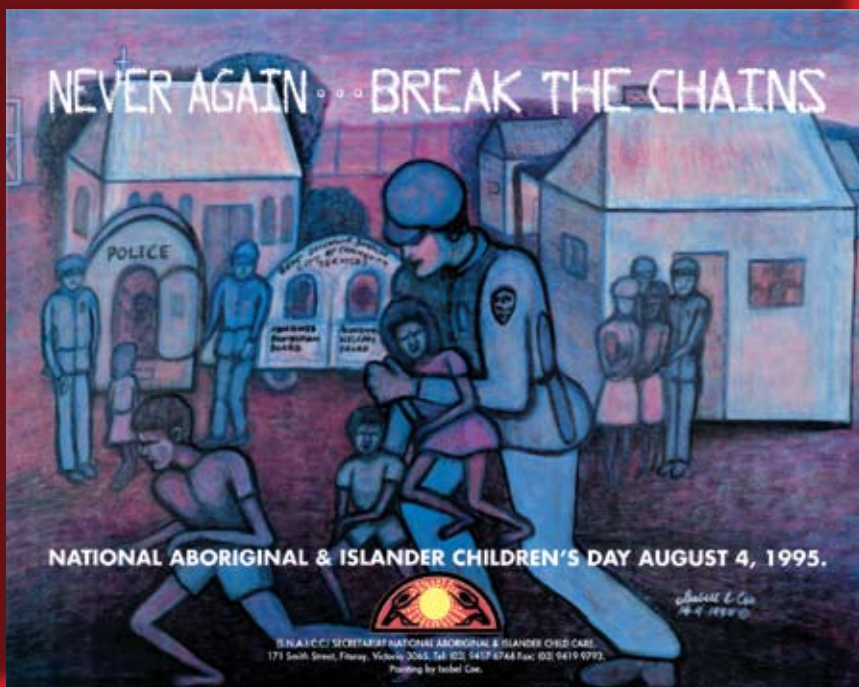
Bringing Them Home appeared at the beginning of what would not just be the start of the Howard era, it was accompanied by the rise of conservatism in Australia. The rejections of the recommendations in the report coincided with the announcement by Howard that his government would reject the 'rights agenda' and instead focus on what it called 'practical reconciliation'. Howard claimed that this meant that they would deal with 'real' issues such as housing, health, education and employment.

Now, over eleven years into the Howard era, it is clear that 'practical reconciliation' did not result in policies that improved Aboriginal and Torres Strait Islander socio-economic conditions. In fact, Access Economics has estimated that basic Aboriginal and Torres Strait Islander health needs are currently under-funded by over \$460 million. Despite budget surpluses, this deficit has not been fixed and this year there is evidence that the Aboriginal and Torres Strait Islander affairs portfolio is underspent by over \$600 million. While

Aboriginal and Torres Strait Islander housing is under-funded by over \$2 billion a year in the Northern Territory alone, money set aside for the government's proposed panacea of 'home ownership schemes' remains unspent because Aboriginal and Torres Strait Islander people are not in a position to take the offer up. From the failure of the Council of Australian Governments (COAG) trial sites to the silent move away from shared responsibility agreements, there is overwhelming evidence that government policy on Aboriginal and Torres Strait Islander issues has been an abject failure.

So while 'practical reconciliation' has failed to produce results for Aboriginal and Torres Strait Islander people, we have also lost momentum on the rights agenda. It must also be remembered that the protection of Aboriginal and Torres Strait Islander rights does not occur in a lineal progression. There is often an assumption that, as time goes by, rights protections will gradually improve – that even if we take one step back, we will eventually take two steps forward.

Recent experience in Australia should highlight the fact that rights that have been recognised in the past – native title and heritage protection – can be extinguished. So it is more accurate to view Aboriginal and Torres



1995: Never Again ... Break the Chains

For Children's Day in 1995, SNAICC again highlighted the experiences of the Stolen Generations and made the link to contemporary child removal practices. The theme follows the subject of the painting by Isobel Coe, chosen for SNAICC's Children's Day poster that year. The painting, originally entitled *Kidnapped*, shows Aboriginal children being forcibly removed by the juvenile justice authorities. The painting depicts a practice that has been occurring for many years and that began as the infamous practice of forcible removals. The theme and the poster link this practice with the contemporary experience of Aboriginal and Torres Strait Islander children being removed. Aboriginal and Torres Strait Islander children are over-represented in child welfare and juvenile justice figures, suggesting a continuation of the old practice of intervention and social control of Aboriginal and Torres Strait Islander family life.

Strait Islander rights – and indeed rights in general – as something that has high and low watermarks. It is an important observation in terms of strategy as it means more diligence must be exercised in the way that gains in protection are made at moments of increased support for these issues.

Crushing the debate about rights – rather than seeking to reinvigorate it – will mean an impoverishment of the rights agenda the next time we reach a sympathetic moment. It is for this reason that we should be asking the questions: what should the relationship look like? What do you want in a treaty?

The challenge to those of us who embrace a rights agenda is the need to focus more intently on the economic rights that can and should be promoted within such a framework. Better links need to be formed between the rhetoric, substance and form of rights protection and the placing of food on the table, better health, clean water, suitable housing and access to educational and employment opportunities.

Until the relevance of the rights framework becomes clear to those who need its protection the most, the changes needed will not gain the support required to implement them. Without that support, we will be unable to implement the changes that will go to the heart of overturning the psychological *terra nullius* still pervasive in our Constitution, laws and policies.

The situation of Aboriginal and Torres Strait Islander people in Australia demands a resolution that considers the desirability of socio-economic equality, the importance of inclusion and the demands of political and cultural recognition. That is, it needs to embrace a concept of substantive equality, a notion of equality that is measured by results and impacts rather than by the formal application of the same rules. The way forward is one that moves away from the zealous embrace of neo-liberal economic policy and instead seeks to match economic sustainability with the protection of fundamental rights. It is a model that measures quality of life by considering and valuing non-economic factors such as cultural heritage and environmental protection alongside the economic factors that are taken as indicators of our performance.

The challenge of improving rights protection needs to be approached by broader strategies than piecemeal court wins and band-aid welfare measures. Finding a better approach to the protection of Aboriginal and Torres Strait Islander rights is a multifaceted process that must include the following:

- There must be acknowledgment of past wrongs committed against Aboriginal and Torres Strait Islander people. This includes recognition of the failure to recognise Aboriginal and Torres Strait Islander sovereignty.

- There needs to be a better understanding of how inequalities have become institutionalised, allowing ‘formal equality’ to become a tool that maintains an unequal *status quo* and perpetuates injustice.
- There needs to be a thorough understanding of what Aboriginal and Torres Strait Islander political aspirations are and an exploration of how those aspirations can be accommodated within Australia’s institutions. This means understanding what Aboriginal and Torres Strait Islander people mean when we say we want our ‘sovereignty’ recognised and we want to be ‘self-determining’.

Legal victories need to be coupled with attempts to change public (mis)perceptions about Aboriginal and Torres Strait Islander Australians. These changes need to be coupled with changes to Australia’s institutions.

To counter the impacts and legacies of colonisation, there needs to be a holistic approach to the protection of Aboriginal and Torres Strait Islander rights. This means that the either/or tension that has developed between ‘practical reconciliation’ and the rights framework needs to be rejected and replaced by strategies, initiatives and policies that seek to develop a better understanding about the relationship between policy, economics and rights. These must also find a better balance between effective short-term solutions and the longer-term aspirations of Aboriginal and Torres Strait Islander communities contained in the concept of ‘self-determination’ as we have defined it.

And most importantly of all, we must continue to tell our stories and not let anyone silence us.



Larissa Behrendt (Eualeyai/Kamillaroi) is Professor of Law and Director of Research at Jumbunna Indigenous House of Learning, University of Technology, Sydney. She is a practicing barrister and a Land Commissioner on the Land and Environment Court.

Larissa is an award-winning writer whose novel *Home* (UQP) was inspired by her family’s experience with the policy of removing children.

“This story’s right, this story’s true...”¹

By Jim Brooks

In this article I plan to describe some aspects of what the National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from Their Families was like from an insider’s perspective, and to reflect on the release of the report and some aspects of its effects.

The Inquiry was set a task of breathtaking size and complexity:

- to examine past laws, practices, and policies;
- to consider the need for legislative change to address the needs of those affected;
- to consider compensation for those affected; and
- to examine current Indigenous child placement laws, policies, and practices. (This term alone would have warranted a stand-alone inquiry and report.)

The context for the Inquiry was difficult, and many factors required management or affected the process, including:

- tension between the progress of certain civil actions against the Commonwealth and the Inquiry process;
- the short time frame between selection of Secretariat staff and commencement of public hearings;
- concern by a major stakeholder about the appropriateness of Sir Ron Wilson’s role in the Inquiry given his association, through the Uniting Church, with Moore River Children’s Home;
- a tragic death by suicide of a respected Indigenous activist and personal sufferer of abuse at the commencement of the public hearings in Perth;
- disruptive state elections and the change of federal government;
- reconciling questions of individuals’ confidentiality with the aim of publicising the policies and practices of removal;
- establishing appropriate processes for storing confidential material;
- identifying support for people who came forward with their life stories, which frequently involved experiences of physical and sexual abuse.

The Inquiry process provided validation of Aboriginal and Torres Strait Islander experience. Typically, individuals presented their evidence to the inquiry in one of three ways. First, it was not an uncommon experience for an individual to appear at the Human Rights and Equal

Opportunities Commission office in Castlereagh Street, Sydney, accompanied by a cousin or friend, wearing a face set with resolution and deep anxiety as she glided through the marble foyer to tell her story. Such visits were often unannounced and a staff member would make arrangements to record what that person had to say, and to note the documents produced – usually some brief, stern and high-handed government letters, or desperate correspondence from a family member. Second, during public hearings someone might present themselves and harangue staff about the pointlessness of the Inquiry. They would angrily and noisily disparage the Inquiry’s process, day after day. Then on the last day of hearings in that city, he would confront a staff member and demand that his story be recorded then and there.

Third, rosters of people who wanted to tell their stories would be established and staff members were allocated to record them privately, simultaneous with public hearings involving government representatives, churches, or welfare organisations. The resources available to the Inquiry and the timeframe set for completion were excruciatingly short. Frequently those wracking stories of grief, loss, sexual abuse and emotional and psychological damage were poured out to a tired Commissioner or staff member doing their best in a cramped meeting room or a staffer’s motel room.

There was little support for those who told their stories, other than that which could be provided or arranged by the local Aboriginal health service. Staff, generally, were not trained in counselling. Joylene Koolmatrie’s valuable assistance as a Indigenous social worker was not secured until the Inquiry’s hearing process was well under way. There was a risk that the process could be dangerous for people telling their stories, as traumatic memories and events were recalled from years before. Those telling their stories were not guaranteed support, and the staff and Inquiry Commissioners listening to them were not professionally prepared or supported.

Despite these constraints, the process of telling and being listened to by – as Sir Ron Wilson described it – “someone in authority or who seemed to be in authority” seemed generally to be positive, particularly when that listener was empathetic and understanding of the teller’s experience.

I recall being impressed by the extraordinary skill and integrity of Mick Dodson, the Aboriginal and Torres Strait Islander Social Justice Commissioner who shared the workload with the indomitable Sir Ron

Wilson, but on whom a huge personal responsibility fell. Mick didn't actually say this – and anyone who understands his modesty and the gruff grunting Mick passes off as conversation would not expect him to – but it seemed to me that a disproportionate burden for the Inquiry's process and outcomes was forced upon him as an Aboriginal person in a high profile position within the Human Rights and Equal Opportunity Commission.

The skills and abilities of the Indigenous Co-Commissioners, women who – often at short notice – proved themselves great listeners, and great contributors to the drafts of the report, were remarkable and crucial to the success of the hearings. Members of the Indigenous Advisory Council who provided direction, reviewed the draft report, and shaped the report's recommendations, were hugely valuable. I noted the willingness of Indigenous people repeatedly to take more than their fair share of responsibility for exploring our mutual history and providing ways forward.

The social climate was right for the release of the report. Whenever the issue arose at that time on a bus, in a taxi, around a school, or on talk-back radio, most Australians would express disapproval of the policies of forced removal. And they still do. Even people who show no interest in Aboriginal and Torres Strait Islander issues, or who find land rights, native title, or Aboriginal and Torres Strait Islander health issues too difficult or too confronting, hold strong views against taking kids from their families. That opinion seems to me to be borne of a strong, innately humanistic position: that the best place for kids is with their families; that the cold care of institutions can never replace a loving family; and that families should be supported to care for children. The report, by reproducing fragments of experience, added detail and personality to vague events most Australians regard as repugnant and regrettable.

The political climate, however, was all wrong for the release of the report. The process of establishing the Inquiry had not been undertaken with bipartisan support. The significance of this fact later became clear. John Howard's newly elected government had not expressed support for the Inquiry (though individual members were instrumental in it coming about). The new government refused to participate in the public hearings and demonstrated no commitment to implement the recommendations. The Howard government's public relationship with Aboriginal and Torres Strait Islander people began in a confrontational way, and the Human Rights and Equal Opportunity Commission was perceived as a likely early target for cost-cutting and reform.

Under the Keating government, the concept of reconciliation seemed to be broadly accepted. Despite its inadequacies, the package associated with the *Native Title Act* introduced at the end of 1993 reflected, amongst other things, parliamentary acceptance of a right to compensation for loss of native title rights. There was

a willingness by the parliament to actually document (through budget papers, for example) the atrocious disadvantage experienced by Aboriginal and Torres Strait Islander people, and there was an acknowledgement by the prime minister of brutal dispossession and non-Indigenous peoples' responsibility for the consequences.

However, the report's release coincided with the election of the Howard government and the beginning of retelling the story of this country's occupation and Aboriginal and Torres Strait Islander peoples' dispossession. The country's new leader quickly characterised acceptance of the policies and practices of removal as a 'black armband view of history'. Ridiculous claims and counter-claims were made in national media about who was and who wasn't 'stolen', and what they might have become if they had or hadn't been. In the process, the experience of people who were traumatised

Even people who show no interest in Aboriginal and Torres Strait Islander issues, or who find land rights, native title, or Aboriginal and Torres Strait Islander health issues too difficult or too confronting, hold strong views against taking kids from their families.

singly and collectively was belittled and doubt was cast upon the veracity of the Stolen Generations' experiences.

Upon release of the report media interest focussed on whether John Howard's government would say 'sorry' to Aboriginal and Torres Strait Islander people for those past policies. Howard quickly indicated that he would not, and claimed that there would be potential liability for compensation if he did. The question of liability flowing from an apology was explored during the Inquiry process. The issue was canvassed in public hearings with state governments, all of whom have subsequently effected parliamentary apologies and not collapsed under the weight of compensation claims. Sydney solicitor Desmond Sweeney wrote an excellent paper designed for inclusion in the report as a stand-alone piece. The effect of Sweeney's paper was to rebut the anticipated response from the Howard government that an apology on behalf of the Commonwealth government might expose the taxpayers of Australia to financial risk. Sweeney's paper was not included in the final report for reasons of space. The smokescreen of liability was thrown up over the issue of an apology at the first opportunity by the government, and media concern with the apology drew attention away from exploring the government's willingness to implement the other recommendations, which were practical, measurable, and consistent with what the government later defined as a commitment to 'practical reconciliation'.

The Inquiry concluded that the policies of removal were genocidal. The definition of genocide reflects an intentional eradication of a people. The aim of assimilation guided the policies. It seems to me that the arguments publicly advanced in support of those policies are not far removed from the arguments advanced at present in support of drastic, uniformed intervention in remote communities in the Northern Territory. Then, those arguments attracted the interest of the churches who eagerly facilitated the process of removal and institutionalisation of Aboriginal and Torres Strait Islander kids. Justification for the policies was based then, as now, upon expectations of Aboriginal and Torres Strait Islander parents, their access to and use of alcohol, amoral influences, and gambling, and the rights of Aboriginal and Torres Strait Islander kids to education and health care, and to lives free from abuse.

Yet the current government quickly declared – in response to fears expressed within those Territory communities – that removal of children from their families is not on the agenda this time around. We could conclude that Australia’s government has learned from the past. We need to ask ourselves why though, if the government holds the interests of Aboriginal and Torres Strait Islander children paramount, why is there no energetic effort to address the documented socio-economic disadvantage of *urban* Aboriginal and Torres Strait Islander people? Will current and future programmes of action deliver a real and enabling economy to remote communities? Why is there no support for traditional owners to secure and enjoy native title, for the benefit of the children?

And time will tell whether the hidden cost of this ‘helping hand’ for Aboriginal kids in NT this time around is the loss of the last of their land.

I recall, at a NAIDOC rally after the release of the *Bringing Them Home* report, being asked whether the Inquiry heard any positive stories. After an aching long time I recalled one. I could have mentioned:

- the resilience of individuals who have forged good lives and loving relationships despite the shattering experiences of their youth;
- the genuine efforts of the odd church or government employee who did their best within the mission environment, and loving foster parents; or
- the extraordinary thoughtfulness and effort Aboriginal and Torres Strait Islander communities have shown in grappling with reintegration of people who were removed or their descendants.

But I remembered instead one story that I recall hearing in a beige motel room. Three siblings, whose mother was taken from her remote community, and who themselves were scattered through foster homes and institutions, had

found each other as adults. After years of deliberation, they set off to visit their mother’s community, far from their capital city upbringing. The bus on which they travelled set them down, and they squinted around in the harsh sunlight, suddenly unsure of their next step. They approached some old ladies who were sitting in the shade of a nearby tree. Before the travellers could speak, the old ladies stood and hugged them. “Oh,” the old ladies said, “we have been waiting for you!” That story spoke to me about resilience, the strength of family and social ties, and love.

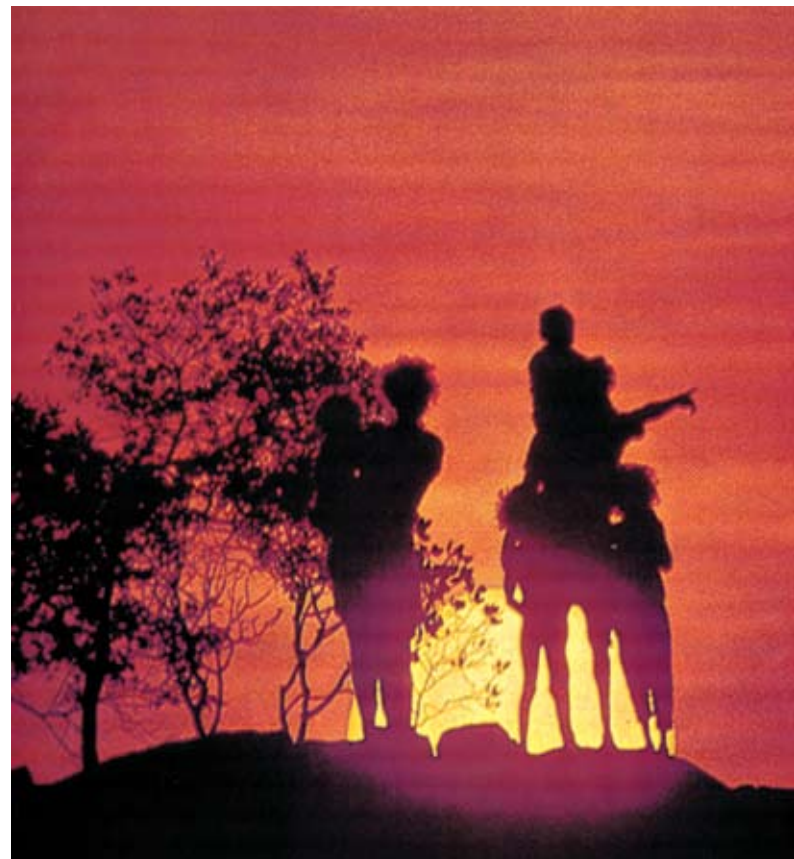


Jim Brooks was the Secretary of the National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from their Families from late 1995 until early 1997.

Jim is a lawyer who has worked with Aboriginal Legal Aid, as Regional Director of the

Human Rights and Equal Opportunity Commission/Anti-Discrimination Commission, as Regional Manager of the National Native Title Tribunal, and as General Manager of the Cape York Land Council.

He currently specialises in mediation, facilitation, native title/land negotiations, and discrimination matters.



¹ Archie Roach, ‘*Took the children away*’, Mushroom Records, 1990.

“Imagine seeing us come home”: Reflections on the impact and legacy of the *Bringing Them Home* report

By Tom Calma, Aboriginal and Torres Strait Islander Social Justice Commissioner, Human Rights and Equal Opportunity Commission

When you read about our mothers losing their children – forever, perhaps you should take that to heart...¹

For many in our community who belong to the generations of children forcibly removed from their parents, the event of their removal has become a defining element of their personal history. For the broader Australian community, the National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from Their Families, and the subsequent *Bringing Them Home* report by the Human Rights and Equal Opportunity Commission (HREOC), have ensured that the experiences of the Stolen Generations are now accepted as part of our collective history.

When the Inquiry’s report was first published in 1997, one of the darkest aspects of our nation’s history was finally exposed. The fact an inquiry was initiated at all owes much to one man, HREOC’s then President, the late Sir Ronald Wilson. His reflections as the co-Chairperson of the Inquiry are telling of the personal and professional impact of that experience:

In chairing the National Inquiry into the removal of Aboriginal and Torres Strait Islander children from their families, I had to relate to hundreds of stories of personal devastation, pain and loss. It was a life-changing experience. An apology begins the healing process. Apology means understanding, a willingness to enter into the suffering. It implies a commitment to do more.²

As Sir Ronald’s words suggest, the journey of healing initiated by *Bringing Them Home* presents enormous challenges to Aboriginal and Torres Strait Islander and non-Indigenous Australians alike. Governments, the Churches and other parties have also struggled to come to terms with their responsibility for developing, implementing and enforcing the policies of child removal for almost a century of our nation’s history.

For the many Aboriginal and Torres Strait Islander people who came forward to tell their stories, the experience was painful and difficult. Sir Ronald noted that the time taken for HREOC to get the Inquiry under way was frustrating for those becoming impatient to make Australians aware of their personal histories.

Indeed, the feeling that HREOC ‘was letting them down’ mirrors a sentiment that still exists within the Aboriginal and Torres Strait Islander community today. For while the moral imperative of the recommendations is clear, the government’s responses have been characterised by initial denial and ongoing inaction.

The Australian Government’s resistance to a number of the recommendations of the *Bringing Them Home* report has impeded progress toward community healing. While every state and territory government issued motions of apology following the publication of *Bringing*

One of the most abiding impacts of the *Bringing Them Home* report for our community has been the public acknowledgement of our experiences of removal and loss of culture. However, there are also many for whom the Inquiry and the report reopened emotional wounds without providing the opportunity for healing.

Them Home, the present federal government’s refusal to apologise to the Stolen Generations over the last decade continues to be particularly divisive. Many Australians have not forgotten that in 2000, the then federal Minister for Indigenous Affairs, John Herron, went so far as to claim there was no such thing as a stolen generation.³

Despite this stance by our political leadership, *Bringing Them Home* has continued to influence Aboriginal and Torres Strait Islander social policy and advocacy across a wide range of issues. These include the need for reparations, child protection and placement, and financial support for Link-Up organisations and public archives. As a result, many Aboriginal and Torres Strait Islander people have benefited from the responses to the report’s recommendations over the past decade.

The Inquiry’s recommendation that compensation be paid to the Stolen Generations as part of a broader reparations package has proven a particularly controversial issue.

In 2006, the first Stolen Generations compensation scheme was established in Tasmania, setting aside \$5 million for Aboriginal people who were removed from their families between 1935 and 1975. Although the scheme was ten years in the making, it is the first and the only scheme of its kind in Australia.

Bringing Them Home was also the trigger for achieving legislative reforms that organisations such as SNAICC had been advocating for many years. Notably, the Indigenous Child Placement Principle, which seeks to place Aboriginal and Torres Straits Islander children in foster care with other Aboriginal or Torres Straits Islander families, is now incorporated into every state and territory's legislation as a matter of priority.

One of the most abiding impacts of the *Bringing Them Home* report for our community has been the public acknowledgement of our experiences of removal and loss of culture. However, there are also many for whom the Inquiry and the report reopened emotional wounds without providing the opportunity for healing.

This is not to down-play the value of services that have been established to allow many members of the Stolen Generations to trace their personal histories and often, to reunite with surviving members of their families. Organisations such as Link-Ups, which previously operated without financial support or recognition, have been able to obtain ongoing funding to better serve the needs of the Stolen Generations. Unfortunately I believe we are still waiting for the full suite of support services needed to remedy the continuing grief and trauma that is borne by the Stolen Generations and their families.

Healthy families and emotional well being remain great unmet needs in our communities and it is an urgent challenge for all governments to ensure appropriate and ongoing services are provided. The lack of funding and infrastructure in areas such as mental health, drug and alcohol rehabilitation and family services perpetuate the adverse intergenerational effects of removal policies. No government should be under any illusion about the direct link between the lack of access to these services and the level of disadvantage and dysfunction in many Aboriginal and Torres Straits Islander communities. It is a problem that must be remedied in order to provide meaningful and lasting healing and reconciliation.

Fortunately the inaction of governments in this respect does not reflect the sentiment of the Australian people. In the year 2000, hundreds of thousands of people walked across bridges around Australia in support of reconciliation. It was a very welcome act of solidarity and a much-needed affirmation of the place of social justice in the Australian psyche.

In 2004, a memorial was established to commemorate the Stolen Generations at Reconciliation Place in Canberra – the nation's capital and seat of government. Over 400 'Sorry Books' recording the

thoughts of Australians on the unfolding history of the Stolen Generations were inscribed on the Australian Memory of UNESCO's World Register⁴ in the same year. And National Sorry Day and Reconciliation Week have become fixtures in the Australian calendar.

Bringing Them Home has also shaped the work of successive Aboriginal and Torres Strait Islander Social Justice Commissioners over the last decade. One of the key initiatives occurred in 2001, when the Human Rights and Equal Opportunity Commission and the Public Interest Advocacy Centre brought members of the Stolen Generations together to explore reparations models and make recommendations to Australian governments. It was indicative of the commitment among civil society in Australia to ensure *Bringing Them Home* does not become another report about the need for social justice that is left on the shelf to gather dust.

For me, *Bringing Them Home* has highlighted the critical need for Aboriginal and Torres Straits Islander Australians to access holistic healing programmes that are grounded in our cultures. It has fed into my work to revitalise and integrate Aboriginal and Torres Straits Islander customary laws and authority structures into the mainstream legal system. Similarly, the connection between the forcible removal of children and the disproportionately high rates of incarceration for Aboriginal and Torres Straits Islander men, women and juveniles remains an ongoing focus of my work.

I am also very conscious of the link between the unresolved grief and trauma still carried by the Stolen Generations and their families as a result of removal policies, and the scourge of family violence and child abuse in many of our communities. The Australian Government's emergency response to Aboriginal child abuse in the Northern Territory will need to confront this reality. As the Aboriginal and Torres Strait Islander Social Justice Commissioner, I am committed to working collaboratively with governments around Australia to ensure that the necessary resources, infrastructure and long-term support services are put in place to ensure that every Aboriginal and Torres Straits Islander Australian can enjoy their human right to live free from violence.

Another ongoing responsibility of HREOC is to ensure that future generations of Australians learn about the Stolen Generations and how this chapter of our history has shaped us as a nation. Some years ago we developed an education module for secondary school teachers based on the *Bringing Them Home* report, and this has consistently been one of our most popular human rights education resources.

Sir Ronald commented in 1998 that, "the history of the stolen generations continues to be of concern not just for Indigenous people, but for all Australians".⁵ The findings of the report, and the experiences of which it told, are as relevant today as they were in 1997. They

are findings that are tied up with our national identity – an identity built on a faith in social justice and equal opportunity, an identity that does not sweep injustice aside.

When you read about our mothers losing their children – forever – perhaps you should take that to heart. Imagine that you come home, like she did, but this time a whole race of people had disappeared. And imagine you search, just like she did. But no matter what you do, you cannot find us. And no matter how hard you try, you cannot get us back.

Imagine that you will never, ever see us again.

Imagine that loss.

Or imagine seeing us come home...⁶



Tom Calma is an Aboriginal elder from the Kungarakan tribal group and the Iwaidja tribal group whose traditional lands are south west of Darwin and on the Coburg Peninsula in the Northern Territory. He has been involved in Indigenous affairs at a local, community, state, national and

international level and worked in the public sector for over 30 years.

Until his appointment on 12 July 2004 as Aboriginal and Torres Strait Islander Social Justice Commissioner and acting Race Discrimination Commissioner, Mr Calma managed the Community Development and Education Branch at Aboriginal and Torres Strait Islander Services (ATSIS) where he worked with remote Indigenous communities to implement community-based and driven empowerment and participation programs. In 2003, he was Senior Adviser of Indigenous Affairs to the Minister of Immigration, Multicultural and Indigenous Affairs and from 1995 to 2002 he was a senior diplomat in India and Vietnam.

- ¹ Dodson, M., (Aboriginal and Torres Strait Islander Social Justice Commissioner), *Report Launch Speech of the National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from Their Families*, Speech delivered at the Australian Reconciliation Convention, Melbourne, 26 May, 1997.
- ² Wilson, R., available at <http://www.austlii.edu.au/au/special/rsjproject/sorry/sirrw.htm> accessed 13 July 2007.
- ³ In 2000, Senator John Herron on behalf of the Australian Government made a submission to the Senate's Legal and Constitutional Affairs Committee that called into question the term 'stolen generation'. Senator Herron's submission argued that there simply weren't enough children taken to warrant the use of the word 'generation'. See <http://www.abc.net.au/7.30/stories/s115691.htm> accessed 13 July 2007.
- ⁴ The World Register is part of UNESCO's programme to protect and promote documentary material with significant historical value.
- ⁵ Human Rights and Equal Opportunity Commission, Interview with Sir Ronald Wilson, President of the Human Rights and Equal Opportunity Commission (Sydney, June 1998).
- ⁶ Dodson, M., (Aboriginal and Torres Strait Islander Social Justice Commissioner), *Report Launch Speech of the National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from Their Families*, Speech delivered at the Australian Reconciliation Convention, Melbourne, 26 May, 1997.



“

Without a doubt this Inquiry is and will be regarded as one that has delved into the very soul of this country and society. While there are many who regard this Inquiry as one that concerns Aboriginal people only, nothing could be further from the truth. The Inquiry has revealed the complicated web of relationships that developed – good and bad – between Aboriginal children and their families and non-Aboriginal state authorities, social workers and families.

”

SNAICC, REPORT TO THE NATIONAL CHILDREN'S SERVICES FORUM, AUGUST 1997

Journeying back to healing: the promise of the Bruce Trevororrow case and Tasmanian compensation

By Peter Lewis

Ever since the public release of the *Bringing Them Home* report in 1997, the Stolen Generations, not to mention the truth, have been the casualties of the so-called History Wars. The denialists have been prominent in the mainstream media and in the federal cabinet and have held back the opportunity for the nation to come to terms with the non-Indigenous community's big 'shame job' – the removal of Aboriginal and Torres Strait Islander children from their families, culture and communities. Well perhaps the denialists have had their day.

The decision in Bruce Trevororrow's case in the South Australian Supreme Court has turned the tide and provides another opportunity for the nation to face one

The *Bringing Them Home* report recommended a compensation process. The Tasmanian Government has shown the way with their \$5 million compensation scheme that other states and territories, so far, are unwilling to follow.

of the deep wounds in its soul. The missing records and legal technicalities that have plagued other attempts at proving the case for just compensation for Stolen Generations individuals in the non-Indigenous court system were neatly overcome in the Trevororrow case. This time the lack of the required documented 'facts' did not get in the way of the truth – in fact, the facts were there in abundance. The paper trail was undeniable and so the legal pathway to naming the truth was clear. And now the nation has heard – if it chooses to listen – that the Stolen Generations not only exist, but their pain and trauma is real and compensation is both morally just and legally required.

So what did the South Australian Supreme Court decide?

Bruce Trevororrow brought an action against the State of South Australia claiming "misfeasance of public office, false imprisonment, breach of duty of care and breach of fiduciary and statutory duties". In 1957 Bruce, then aged 13 months, was taken to hospital and subsequently was removed from hospital and placed into the care of a foster family by a statutory board and the relevant government department. In 1967 he was returned to

live with his natural mother. Prior to Bruce's removal, the South Australian Government had even received legal advice that it did not have the authority to remove Aboriginal children unless the correct processes had been undertaken – which they weren't in his case. The removal and fostering of Bruce was without statutory warrant or legal authority. The State breached its duty of care and so owes Bruce compensation relating to his unjust treatment and the trauma caused by his removal.

And, of course, Bruce's case is not an isolated one. His story is just one example of how the policies of removal have impacted on generations of Aboriginal and Torres Strait Islander children and families and how the blind cruelty of governments have traumatised Aboriginal and Torres Strait Islander communities in every state and territory of Australia under the name of assimilation.

So where to next? The South Australian Government fully expects more Stolen Generations cases like Bruce's. But the courts, with their drawn out adversarial processes, are unlikely to be appropriate places of healing for the Stolen Generations. The *Bringing Them Home* report recommended a compensation process. The Tasmanian Government has shown the way with their \$5 million compensation scheme that other states and territories, so far, are unwilling to follow. The Australian Democrats' Queensland Senator, Andrew Bartlett, has introduced a draft Stolen Generations Compensation Bill that he is currently seeking comment on. Many advocacy bodies, such as the National Sorry Day Committee, the Stolen Generations Alliance, the Human Rights and Equal Opportunity Commission, the National Council of Churches and Australians for Native Title and Reconciliation have called for, and continue to call for, a National Healing Commission or Tribunal.

In November 2000 the Senate Legal and Constitutional References Committee, in its report *Healing: A Legacy of Generations*, made ten recommendations including one concerning the establishment of a reparations tribunal. Eighteen months later, the government tabled its response to the Committee's recommendations, and once again expressly rejected the notion of reparations.

In 2001 the Executive of the National Council of Churches in Australia (NCCA) affirmed the *Bringing Them Home* report and its recommendations. It adopted the following statement after consultation between national heads of churches and the NCCA's Aboriginal and

Islander Commission in consultation with the National Sorry Day Committee:

Australian governments of the past adopted laws which gave warrant to practices resulting in many Indigenous children being inappropriately and forcibly removed from their families.

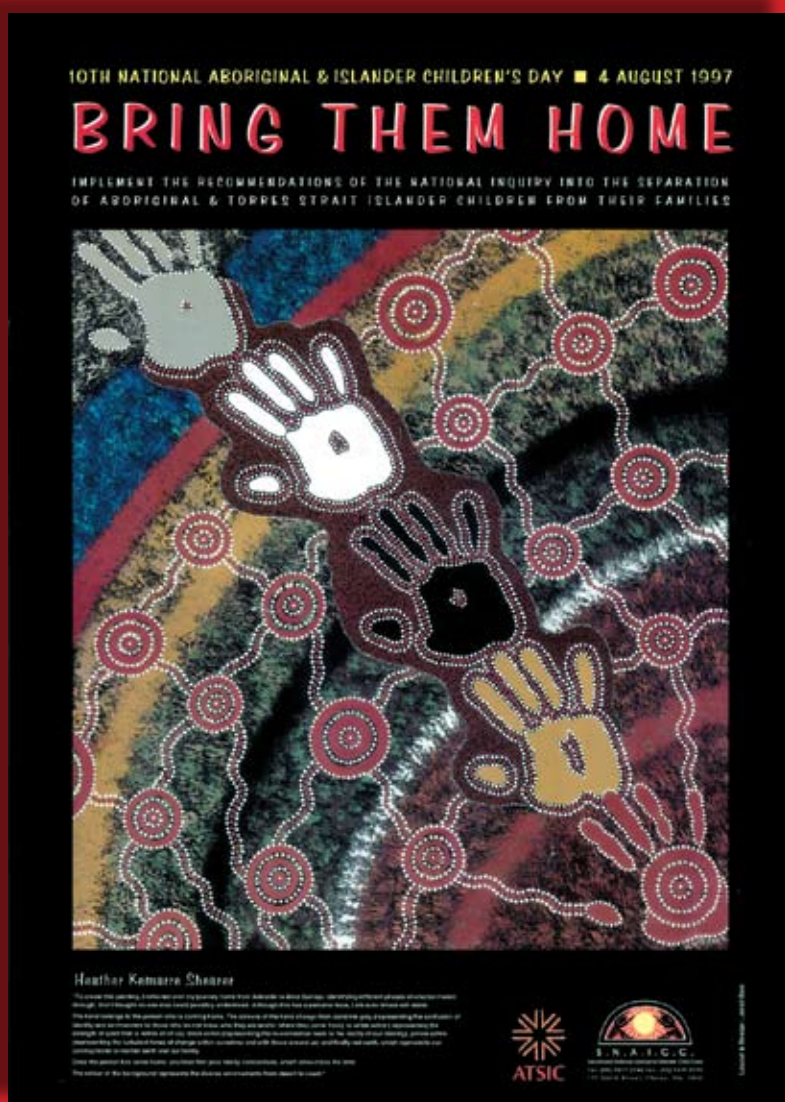
It was a complex tragedy. But the fundamental truth of the stories of the Stolen Generations, and their pain, cannot be denied. As representatives of the churches, we call on our people, and the nation at large, to acknowledge the validity of the *Bringing Them Home* report and its recommendations.

The harm experienced by Indigenous people, and the healing that has been too long delayed, cry out for attention by governments, by others involved, by all Australians. Christians

must try to understand what happened from the perspective of the Christian faith. As church leaders, we commit ourselves to reflect theologically on the trauma experienced by the Stolen Generations and by the nation as a whole, and on our calling to be bearers of reconciliation.

- In consultation with the Stolen Generations, we will help educate the churches on their involvement in the history of the Indigenous child removal,
- make church and agency records accessible,
- identify ways of supporting Indigenous groups working with removed people, and
- address instances of alleged abuses, particularly in church-related institutions.

Many churches have offered apologies and taken steps towards reconciliation. Reaffirming these



1997: Bring Them Home

The National Aboriginal and Indigenous Children's Day poster for 1997 advocated that governments provide a full and proper response to the *Bringing Them Home* report. This included reparation for those directly affected and a complete overhaul of the current child protection systems, which continue to remove Aboriginal and Torres Strait Islander children at over five times the rate of other children.

The painting for the 1997 poster was by Heather Kemaere Shearer and it tells a story about the journey home for the Stolen Generations. She says, "The hand in the picture belongs to the person who is coming home. The colours of the hand change from concrete grey, (representing the confusion of identity and environment to those who do not know who they are or where they are from), to black ochre (representing the reconnection back to the reality of or identity), to yellow ochre (representing the turbulent times of change within ourselves and those around us) and finally to red earth, which represents our coming home to mother earth and our family. Once the person has come home, you then find our family connections, which criss-cross the land. The colour of the background represents the diverse environments from desert to coast."

initiatives, recognising the pain and trauma of the Stolen Generations, we advocate the establishment of a healing commission. The churches stand ready to participate in such a commission in whatever way may be appropriate.

Further, the churches support the establishment by the Council of Australian Governments of a national fund, as part of the healing process. We call on all Australian governments, whose predecessors legislated for laws which gave warrant to practices leading to the Stolen Generations, to contribute generously to the fund. Because all Australians were represented by those governments, all Australians and all agencies – including church agencies – which cooperated with such practices are urged to contribute to the fund.

Our churches will continue to pray and work for the healing of the nation.

The churches' statement is not only important because of its stated support for a healing fund and process, it also acknowledges the fundamental truth of the stories of the Stolen Generations and the churches' responsibility as collaborators in the process of removal.

So in 2007, as in 2001, there is another opportunity to lobby for a Healing Commission – both federally and state by state. The federal government, in its response to the release of the Urbis Young Report into Stolen Generations services, has not denied the issues of trauma faced, even though federal Health Minister Tony Abbot's announcement of merely another 22 counsellors for Stolen Generations members is demonstrably inadequate. With the success of Bruce Trevorrow and the amount of the damages awarded, there is now further impetus for reconsideration by governments of a proper compensation process. The damages bill and legal costs for the thousands of other possible cases provides a financial incentive for governments, who will no doubt be doing their risk management sums.

But a Healing Commission should be about more than money. Too often, non-Indigenous people think that financial benefit is the only consideration when it comes to compensation. How do you calculate the value and importance of maintaining connection to family, culture and community? What is the dollar value of Aboriginal and Torres Strait Islander cultural heritage? More importantly, a Healing Commission would address the unfinished business of the *Bringing Them Home* report, not only for individual members of the Stolen Generations, not only for the Aboriginal and Torres Strait Islander communities who have been damaged by the process of child removal, but also for the whole nation. It would need to be another truth-telling process and one that asks the broader community to acknowledge its responsibilities to Aboriginal and Torres Strait Islander people.

The scars on all our souls, Aboriginal and Torres Strait Islander and non-Indigenous, need to be healed – for the Aboriginal and Torres Strait Islander communities who suffered from the perpetration of this evil and the non-Indigenous community whose humanity is diminished as perpetrators, the children of perpetrators or just people who did nothing when a monstrous injustice was revealed. And that moral stain on character will continue if the non-Indigenous community remains unmoved and inactive. The lessons of the *Bringing Them Home* report will remain unlearned if prime ministers continue to speak of the need for Aboriginal and Torres Strait Islander communities to be 'absorbed into the mainstream'.

Such 'absorption' is nothing more than a return to the colonial blindness of the past that led to the cruelties of child removal. Research here and from overseas points to the importance of self-determination and connection to culture to overcome generations of trauma and disadvantage. That is true for Aboriginal and Torres Strait Islander children today and for the generations of Aboriginal and Torres Strait Islander people who are still seeking that return home. The hope is that, because of the perseverance of people like Bruce Trevorrow, we are journeying back to a healing pathway for the Stolen Generations and the nation as a whole. It will continue to be a bumpy journey, with false trails on the way, but we will get there. And the truth will set us **all** free.



After working as a secondary school teacher and then a Uniting Church Mission Field Worker in international and remote issues, **Dr Peter Lewis** spent six years as the National Director for the Reconciliation Agency of the Uniting Church in Australia. Since 2004, Peter has been the Senior

Policy Officer and now Manager – Policy, Research and Communications with the Victorian Aboriginal Child Care Agency (VACCA). In this capacity he has written policy documents, submissions and speeches representing the needs of Aboriginal children and young people within the Victorian context, and has contributed to a number of committees run by state government and by VACCA.

Peter has also served on a number of committees that have reflected his commitment to working for social justice in relation to Aboriginal and Torres Strait Islanders, including as Chairperson for Australians for Native Title and Reconciliation in Victoria (ANTAR – Victoria) (2000–2004), Convenor of Defenders of Native Title in Victoria (1997–1998) and as a member of the National Sorry Day Committee (1999–2006) and of the Stolen Generations Victoria Sorry Day Working Group (2000–).

The launch of *Bringing Them Home*: the report of the National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from their Families

Speech given by Mick Dodson, Aboriginal and Torres Strait Islander Social Justice Commissioner, at the launch of the *Bringing Them Home* report at the Australian Reconciliation Convention, Melbourne, 26 May 1997

How much indignity, Mr Howard?

How much loss?

The story in my hand is the saddest of all stories. It is the story of children taken from their mothers and fathers and families. It is the story of mothers and fathers and families who lost the most precious thing in their lives – their children.

In my life I have seen my people face hostility and rejection and cruelty on more occasions than I would care to recall. But nothing, nothing could have prepared me for the days I spent with my co-commissioners listening as people spoke the truth of their lives for the first time: of being taken from their mothers at three weeks of age; of mothers waiting a lifetime to see their babies' faces again.

They came before this Inquiry, and they told us of being sent to institutions 'for their own good' – institutions without the loving arms of aunts and grandmas, but rather cat-o-nine tails and porridge with weevils and frightening adults who came into your room at night.

They recalled being told that their parents had given them away because they did not love them. And they told me what it was like to be taught to hate Aborigines and then turn that hate against your own history, your own mother and yourself. Some told me that they had tried to go home – but no one was alive any more.

Early this century, the local protector in Western Australia wrote:

I would not hesitate for one moment to separate any half-caste from its Aboriginal mother, no matter how frantic her momentary grief might be at the time. They soon forget their offspring.¹

At times I wonder how much has changed.

Don't you think we feel pain and loss just like everyone else? Stop for a moment – and imagine this had happened to you.

Fifty-seven years ago Mrs Howard took her baby son John home from hospital. On the same day, an Aboriginal woman was told that her baby had died and went home alone.

Yes, this is a very personal remark – but this is personal. It could not be more personal. This is not a

report about finance or industry or trade relations. We are not making recommendations that will affect banking transactions or the budget deficit.

This volume holds the truth about people just like you and me and all the politicians in Parliament House. It holds the stories of the lives of our brothers and sisters and mothers, and your fellow Australians. It holds the anguish of adoptive parents when they learned that their child's parents were not dead, as they had been told.

And its recommendations are directed to lessen the

We can give back to Aboriginal and Torres Strait Islander families and communities the capacity and the power to do what is surely their right – to bring up their own children.

hurt people have suffered at the hands of our own nation.

This is not someone else's history. This is all of our history. I am glad that the prime minister has spoken publicly of his personal sorrow. But that is simply not enough, Mr Howard. As leader of this nation, you must speak for this nation.

We cannot turn away from what this nation did to Aboriginal and Torres Strait Islander children. We cannot refuse to listen to people who have for so long held their pain in silence. We cannot ignore the atrocities that have happened in our own life times and in our own country.

This report demands our nation's compassion. It also demands justice. Five or six generations of Aboriginal and Torres Strait Islander people were affected by removal. We are talking about up to one hundred thousand Australians.

This nation is proud of its rule of law, proud of its sense of justice and a fair go. One of those laws is that if you steal something, and you are caught, you have to give it back. This nation has stolen. From parents and families and communities, it has stolen children. From children it has stolen love and family; language and culture; land and identity.

It committed a grievous crime – a crime against humanity. It is time to pay for that crime.

There is nothing complicated or unusual or controversial about trying to make up for the hurt one has caused. Imagine if I was entrusted with one of your children, and I hurt them. Surely you would demand that I acknowledge what I had done. Surely you would expect me to say 'sorry' and do everything in my power to make up for it?

Why should Australia as a nation be exempt from that simple moral obligation – to make up for the hurt one has caused, to say 'sorry'. To do everything that you can to give back what has been lost.

This Inquiry was charged to examine the laws and policies and practices that resulted in and continue to result in Aboriginal and Torres Strait Islander children being separated from their families. It does so in meticulous detail. It traces the repugnant pseudo-scientific justifications. It details the elaborate bureaucracies developed to execute the laws and policies. It recounts the cruelty inflicted on families as their children were taken under compulsion, duress and undue influence.

It portrays the lives of those children in institutions, in adoptive and foster families and in the houses and properties where they were sent to work. What

But my greatest fear is not just that our government will reject the recommendations of our report. It is that the inhumanity and discrimination that we now see in our past will continue to underpin our nation's policy.

happened to them there is a matter of the greatest shame. Remember, these children were 'removed for their own good'.

Could you look one of those people in the eye and tell them that a metal cot was an improvement on their mother's arms?

Can you convince yourselves that educating those children to the level of a ten-year-old and then sending them out as unpaid labour was an opportunity?

Where is the benefit in punishing a child who dares even to whisper to her little sister in their mother tongue?

Is there anyone willing to convince me that turning these children into the working poor of white Australia was giving them a superior culture? Superior to the culture their ancestors had formed over thousands of years just to place in their hands?

Can you even speak the phrases 'for your own good' and 'systematic sexual and physical abuse' in the same breath?

We have sat with hundreds of those children – now grown up – as they told me those things. And we know that there are hundreds who could not speak.

One thing missing from this report are the mothers' stories – but then how could a mother possibly bear to tell of her loss?

Many of those who spoke to the inquiry told us that the telling was itself healing – particularly telling and knowing that you were being heard by an official body. We feel that everyone affected by removal should have a similar opportunity – both for their own healing, and because this is a part of our nation's history that must not be lost. So our first recommendation is that governments should fund Aboriginal and Torres Strait Islander organisations to record and preserve testimonies.

We also tried to find out and explain the effects that separation had on the children, their families and communities. Again, my few words can barely begin to convey what we saw and heard: the incessant emotional pain and the attempts to dull that pain with alcohol and drugs; the enormous anger and the explosion of that anger in violence and self abuse; the loss of self esteem, the self hatred; the withdrawal and incapacity to engage in the world socially or professionally; and the inability to trust or be intimate with other people – worst of all with your own children.

43 of the 99 Aboriginal people whose deaths in custody were investigated by the Royal Commission had been separated from their families. How many more of those children are now in prison, on medication, without education or employment and unable to find a way out of that cycle of despair? Are they the people you walk past in the gutter?

In the face of this evidence, certain people continue to insist that some of our leaders owe their success to removal policies. This view is not only repugnant – it is also wrong. The vast majority of those removed were placed in institutions where they received minimal education and were sent straight into the most menial employment. If some have risen to achieve great things, it is a testament to their own strength of spirit. Quite frankly, I think we should all be in awe that any of those children are still standing. In fact, as horrendous as the effects have been, the overriding impression I take from this Inquiry is not the damage, but the strength.

Ladies and gentlemen, the truth is now on the table. The defence of ignorance is no longer available. Nor is the defence that 'it was not us'. These children were removed as a matter of national policy – the policy of our nation.

Just as the current government must take responsibility to address the budget deficit it says it inherited – so too it must take responsibility for the laws and policies that left a black hole in these Australian families. Government is an ongoing institution. It inherits the achievements, the responsibilities and the mistakes of its predecessors.

The obligation to pay a pension to Second World War veterans did not dissolve with the government in power at the end of the war. Nor do we think that the

Germany of today can absolve itself of what was done by the Germans fifty years ago. Governments take up that inheritance all over the world, all the time.

Just last week the President of the United States apologised to the black men who were victims of government-run scientific experiments sixty years ago. He said, and I quote:

What is done cannot be undone, but we can end the silence ... we can stop turning our heads away, we can look you in the eye and say, on behalf of the American people, what the United States government did was wrong and I am sorry.

That is what this is all about. Not turning away. Trying to restore justice. Individual Australians are not guilty for what happened to our families. But if you fail to respond to what you now know, you will be guilty. If you do not help to ease the pain, you will be guilty. And we can certainly be held responsible for the harms we are inflicting in the present.

Removal is not something in the past – it is still happening to our people as I speak. We consider contemporary removal an issue of such gravity that we have devoted about a third of our report to it. As heart wrenching as the issues of past removals are, our feelings about the grown-up children must not swamp our responsibility for the children being taken today.

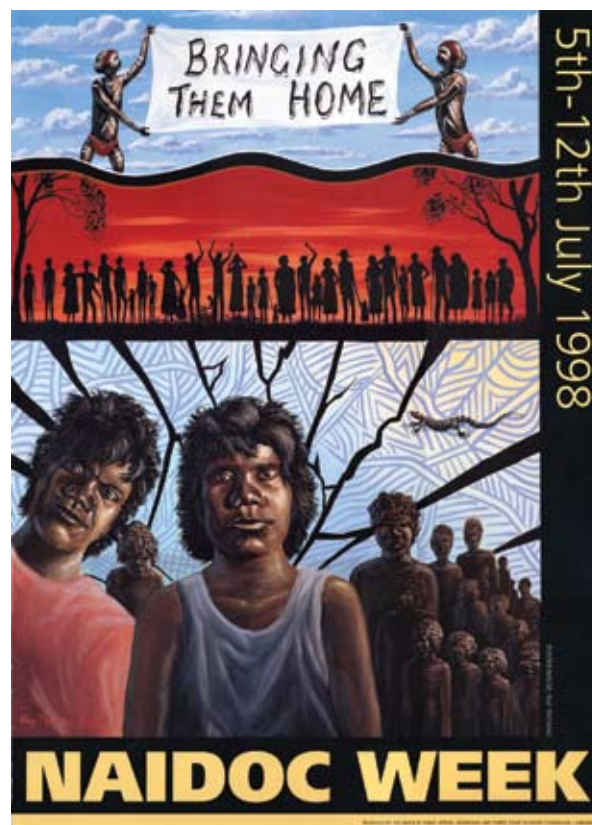
Sure, the state does not claim automatic guardianship of all Aboriginal and Torres Strait Islander children, as it once did. But given the number of our children who are in care or in juvenile detention centres, we are not far off.

Aboriginal and Torres Strait Islander children are six times more likely than other children to be removed for welfare reasons and 21 times more likely to be removed to juvenile justice centres.

The state is still undermining our right to bring up our own children, and to have a say over the course of their lives. Welfare and judicial systems still discriminate against us and view our family cultures as somehow pathological. They still deny our children the right to grow up within their own culture. With all that we know about the long-term effects of removing Aboriginal and Torres Strait Islander children from their families and communities, Australians cannot allow this to continue.

If anything, we are more culpable because we have the knowledge and the tools to do things differently. We know that supporting Aboriginal and Torres Strait Islander families and communities to find their own solutions to their children's problems works better than removal. We know that Aboriginal and Torres Strait Islander children should be placed with Aboriginal or Torres Strait Islander families wherever possible. We know that strengthening families and communities is far better than punishing their children.

Perhaps we cannot give back the children who were removed fifty or thirty years ago. But we can give back the children who are being removed today. And we can



ATSIC's 1998 NAIDOC Week poster featuring artwork by Ray Thomas also highlighted *Bringing Them Home*

give back to Aboriginal and Torres Strait Islander families and communities the capacity and the power to do what is surely their right – to bring up their own children.

The final part of the report provides extensive guidelines about how juvenile justice and welfare systems could operate to ensure that systematic and discriminatory removal is really a thing of the past. This report is not a raking over the past for its own sake. It is directed to healing and reconciliation for the benefit of all Australians.

The first two parts of the report recount the laws, practices, policies and effects of removal. They are part of the telling, the listening, the understanding and the acknowledgement that Sir Ron spoke about.

The second two parts are about what we ought to be doing for people affected by removal and the practical steps we can take to repair the injustice and ease their pain.

We believe that 'reparation' is the correct response. Reparation is a broader concept than compensation. It means trying to repair the damage caused by removal, trying to give back what was taken and lost, trying to make up for the hurt. It is, of course, impossible to reconstruct a life that has been so radically altered. But experience in other countries and the international guidelines on the right to reparation for victims of gross

human rights violations provide us with some guidance.

We suggest that reparation has five parts, and for each we have made specific recommendations.

First is acknowledgment of the truth and apology, which Sir Ron spoke about in some detail. All Australian parliaments must officially acknowledge the responsibility of their predecessors and extend apologies. I should make it clear that personal expressions of sorrow are welcome. But they are not a substitute for institutional apologies. We also recommend that all Australian police forces, churches and non-government organisations that played a role in removal give similar acknowledgment and apologies.

Many churches have already taken that step. I praise them for their leadership.

The second component of reparation is the guarantee against repetition. As a nation, we must do all that we can to make sure that Aboriginal and Torres Strait Islander families and communities need never fear that their children will be removed again. All school children, and all those working with Aboriginal and Torres Strait Islander people should be taught about the history of removal. The government should also legislate to implement the Genocide Convention so that it has full effect within Australia.

The third component is restitution. That is, trying to re-establish the situation that existed before the violation occurred. We have looked at what people have lost, and how those things might be returned. For example, helping people to return to country and reunite with family and community. To that end we suggest improving access to records, and training Aboriginal and Torres Strait Islander archivists, genealogists and historians to help people with the searches.

We heard some particularly distressing evidence of people finding their families, but being so wrought with emotion that they are unable to have the meeting they all so desperately needed. The gap of time, guilt and pain is just too much.

This is one of the areas where a simple response, like funding Aboriginal and Torres Strait Islander run family tracing and reunion services can make an enormous difference to peoples' lives.

We also received a great deal of evidence about the loss of language and culture – about people finding their mothers and being unable to speak to them, or hear their words. We believe that Aboriginal and Torres Strait Islander language, culture and history centres are best suited to bringing people home in a cultural and linguistic sense.

People also told us of that part of their way home was tracing the files that plot their lives and those of their families. As long as those records are not theirs or even accessible to them, they feel that they are not fully free of institutional control. Again, this is one of the areas where simple bureaucratic and legal changes will cost

governments little but will make a huge difference.

The fourth component is rehabilitation. As I said earlier, removal has had an enormous impact on peoples' mental and physical health, their relationships, their parenting and their ability to get by in the world. In our view mental health services for people affected by removal must be grounded in an understanding that health for Aboriginal and Torres Strait Islander people is inseparable from our social, cultural and emotional well being.

The fifth and final component is compensation. You cannot, of course, bring back the years of childhood. Monetary compensation is a recognition that restitution in kind is impossible. All those who were removed should be paid a minimum lump sum monetary compensation. Compensation should also be paid for particular harms such as physical, sexual and emotional abuse, economic loss and pain and suffering.

The suggestion of compensation seems to cause a great deal of difficulty for some people. I would simply point out to them that most of the categories of harm for which people would be claiming compensation are already grounds for compensation under Australian law. We are not inventing anything new in compensation law. We are simply saying that justice demands that the stolen children are treated equally by the law.

Already the government has responded by ruling out compensation, saying that it will be divisive. What type of Orwellian double-speak is that?

Our prime minister has told us that the family is the core of our society.

What could be more divisive than breaking up families?

Isn't it divisive to have one set of laws for Aboriginal and Torres Strait Islander families and one set of laws for everyone else?

Isn't it divisive to say that you can claim compensation for emotional pain, for arbitrary deprivation of your liberty, for abuse, for loss of land, for loss of culture and for loss of opportunity – but not if those things happened because the governments of this country took you away because of the colour of your skin?

There is nothing divisive about compensation. Compensation is part of reparation - and reparation means recognising and repairing what has been broken. As Sir Ronald said, it is not just peoples' lives and peoples' communities that have been broken. It is the relationship between Indigenous and non-Indigenous Australians. Repairing that relationship is anything but divisive.

But my greatest fear is not just that our government will reject the recommendations of our report. It is that the inhumanity and discrimination that we now see in our past will continue to underpin our nation's policy. Another phrase for genocide is extinguishing a people. It seems that extinguishment is a bit of a theme in this

country. Extinguishment leads to extinction. I think that is something all the people of this nation really need to contemplate.

If you take our land, you take the ground of our culture. If you take our children, you take the future of our culture. If you keep on taking, there will be nothing left. We can no longer equivocate. This is not history. When we are gone, you won't be able to bring us back. It will be too late.

Think about the stark permanency of a person's death. Extinction is the death of a people. When you read about our mothers losing their children – forever – perhaps you should take that to heart. Imagine that you come home, like she did, but this time a whole race of people has disappeared. And imagine you search, just like she did. But no matter what you do, you cannot find us. And you no matter how hard you try you cannot get us back.

Imagine that you will never, never, see us again.
Imagine that loss.
Or imagine seeing us come home.
That is what this report is about.

Republished with permission from HREOC and Prof. Mick Dodson.
© Human Rights and Equal Opportunity Commission 1997
http://www.hreoc.gov.au/speeches/social_justice/stolen_generation_launch.html



Professor Mick Dodson,

AM is a member of the Yawuru peoples, the traditional Aboriginal owners of land and waters in the Broome area of the southern Kimberley region of Western Australia. He is currently Professor and Director of the National Centre for Indigenous

Studies at the Australian National University in Canberra. Mick Dodson was Australia's first Aboriginal and Torres Strait Islander Social Justice Commissioner with the Human Rights and Equal Opportunity Commission. He served as Commissioner from April 1993 to January 1998, and was co-Commissioner for the National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from Their Families.

Born in the Northern Territory township of Katherine, Mick was educated in Katherine, Darwin and Victoria. He has been a prominent advocate on land rights and other issues affecting Aboriginal and Torres Strait Islander peoples for many years.

He has been appointed to the United Nations Permanent Forum on Indigenous Issues for the period 2008 to 2010. Mick has for over a decade participated in the crafting of the text of the Draft Declaration on the Rights of Indigenous Peoples in the United Nations Working Group on Indigenous Populations and in its more recent consideration by the Working Group of the United Nations Commission on Human Rights.

¹ James Isdell, quoted in HREOC, *Bringing Them Home: Report of the National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from Their Families*, 1997, p. 104



“

...there were times when we first demanded a national Inquiry that we were a lone voice with barely a response from government to our call: however, we persevered and succeeded in achieving our initial objective. This Inquiry is the second stage. The third will be the final report of the Inquiry and the implementation of the recommendations and I make this commitment on behalf of SNAICC: Given the emotional, mental, physical and spiritual effort that has been put into this Inquiry by hundreds of Aboriginal and Torres Strait Islander people as well as many other non-Aboriginal people, we will be just as tenacious in pursuing the implementation of the recommendations. This time however, there will be many more of us.

”

NEVER AGAIN... BREAK THE CHAINS, SUBMISSION BY THE SECRETARIAT OF NATIONAL ABORIGINAL AND ISLANDER CHILD CARE TO THE NATIONAL INQUIRY INTO SEPARATION OF ABORIGINAL AND TORRES STRAIT ISLANDER CHILDREN FROM THEIR FAMILIES, AUGUST 1996

SNAICC Values Statement

Aboriginal and Torres Strait Islander children

Preamble

Aboriginal and Torres Strait Islander cultures are living cultures that survive through our children. Our children's cultural identity must be respected in accordance with our ancestral ways, family and cultural traditions and community values. This can be done by providing a setting of loving, caring and safe families with opportunities for children's growth, development and self empowerment. For our children to be healthy our culture must be healthy.

The innocent spirit of our children must be protected by listening, having faith in children, giving them opportunities to develop their self confidence and supporting them to contribute to their family and community.

It is our responsibility to support our young people to understand and follow our cultural ways and become role models and mentors for the younger generations, thus ensuring the continuation of our culture. This involves trusting and empowering young people, allowing them to learn from their mistakes and having faith in them to ensure the survival of the oldest living culture in history.

1. SNAICC believes Aboriginal and Torres Strait Islander children have the right to:
 - be kept safe from physical and psychological harm
 - live in communities that are safe and free from violence
 - identify as Aboriginal and/or Torres Strait Islander Australians
 - be proud of their history, cultural beliefs and practices
 - maintain connections to their lands, community, family and kinship systems
 - learn and practice their Indigenous language
 - freely develop, express and enjoy their own spirituality
 - life long education that strengthens their cultural identity
 - be taught their cultural heritage and obligations by their Elders
 - benefit from the knowledge of their Elders to guide their journey in life.
2. SNAICC believes Aboriginal and Torres Strait Islander children:
 - are a community's present and future
 - achieve their full potential when they enjoy access to optimum health care, early childhood support, developmental opportunities, cultural knowledge, education and economic security
 - should be taught to respect their Elders, other family members and the broader community
 - enrich their family and community from the moment they are born and make a positive contribution as members of the community when supported to do so.
3. SNAICC believes Aboriginal and Torres Strait Islander families have the primary responsibility to raise their children well by nurturing and protecting them, developing their cultural identity, explaining to them their place within their family, teaching them to understand limits and act responsibly and placing children's needs and interests ahead of their own.



EMBER

E

Mothers and Fathers are crying

Mothers are grieving
Fathers are Searching
For the children that were created
from their spiritual love for one another
The children that mirror the spiritual beauty
Of our Mothers land. In her virgin state
Before she is raped and abused by the hands
of the strangers who take their children

Mothers are crying
Fathers are screaming
In desperation and frustration
Asking where have you taken them?
Sending the children's names floating upon the spirit of the wind
As she glides across our Mothers land calling
the children back home

Mothers are trembling
Fathers are embracing
As the children who have been stolen return home
Finding their identity and discovering where they belong
Standing united with our people as one
in the struggle of the recognition of
Our Mothers land and the injustice done to our people

© Kym Walker, first published in SNAICC Newsletter Issue 6 1993