20 Years On:
South Australia’s implementation of *Bringing them home.*
ACKNOWLEDGEMENTS

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Ainoa Cabada, Human Rights Advocate and Consultant.

Mark Waters, State Manager, Reconciliation South Australia.

Frank Lampard OAM, Commissioner for Aboriginal Engagement, Office of the Commissioner of Aboriginal Engagement.

Christine Egan, Chairperson of South Australia Stolen Generations Aboriginal Corporation (SASGAC), and Stolen Generations Survivor.

Jennifer Caruso, Lecturer, Department of History, School of Humanities, University of Adelaide. Director of South Australia Stolen Generations Aboriginal Corporation (SASGAC), and Member of the Stolen Generations.

Reconciliation South Australia would also like to honour the Stolen Generations members who have passed on and those who live in South Australia and across the country.

Ivan-Tiwu Copley OAM, JP Peramangk & Kaurna Man, Board member of Reconciliation SA, Chairperson of the TURKINDI Network of SA Inc.

Andrew Wilson, Senior Aboriginal Access Officer, State Records of South Australia.

Maria Atkins, Senior Aboriginal Community Consultant, Stolen Generations Reparation Scheme, Department of State Development.

Sarah Avey, Senior Solicitor, Stolen Generations Reparation Scheme, Department of State Development.
Scorecard & Design

Reconciliation SA would also like to extend acknowledgement to We Create Print Deliver for their meaningful work on the design of the 2017 Scorecard: *20 years since Bringing them home*¹.

The creative option presented in this document by We Create Print Deliver draws inspiration from the original *Bringing them home* report. The silhouette image used is representative of the young girl featured on the original report 20 years later as a woman. She is holding the hand of her child symbolising the cross generational commitment that is required with the recommendations featured in the *Bringing them home* report.

The use of the traditional artwork overlay visualises the coming together of communities to execute the recommendations outlined in the report. It also draws attention to the historical element and reasons as to why the *Bringing them home* report was generated.

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¹ See Appendix 1.
“THE TIME HAS NOW COME FOR THE NATION TO TURN A NEW PAGE IN AUSTRALIA’S HISTORY BY RIGHTING THE WRONGS OF THE PAST AND SO MOVING FORWARD WITH CONFIDENCE TO THE FUTURE.”

- KEVIN RUDD, PRIME MINISTER OF AUSTRALIA, 13 FEBRUARY 2008

IN PARLIAMENT OF AUSTRALIA, CANBERRA, ACT
<table>
<thead>
<tr>
<th>ABBREVIATIONS</th>
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<tr>
<td>ACT</td>
<td>Australian Capital Territory</td>
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<tr>
<td>AIATSIS</td>
<td>Australian Institute of Aboriginal and Torres Strait Islander Studies</td>
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<td>AIHW</td>
<td>Australian Institute of Health and Welfare</td>
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<td>BTH</td>
<td>‘Bringing them home’</td>
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<td>COAG</td>
<td>Council of Australian Governments</td>
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<td>FaHCSIA</td>
<td>Department of Families, Housing, Community Services and Indigenous Affairs</td>
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<td>QLD</td>
<td>Queensland</td>
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<td>FoI</td>
<td>Freedom of Information</td>
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<td>HREOC</td>
<td>Human Rights and Equal Opportunity Commission</td>
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<td>NACCHO</td>
<td>National Aboriginal Community Controlled Health Organisation</td>
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1. EXECUTIVE SUMMARY

Effective assessment of the implementation of the 54 recommendations of the *Bringing them home* report is a critical yet challenging task in the Stolen Generations field. The importance of such assessment is today more relevant than ever. Twenty years after the publication of the *Bringing them home* report, Aboriginal and Torres Strait Islander peoples still live with racial discrimination, abuse and inequality in their own country. This is a reality that should have been significantly changed with the full implementation of the 54 recommendations made by the Australian Human Rights Commission in 1997.

A key question for this study, developed by Reconciliation South Australia, is how the South Australian and Australian Governments have worked to implement the 54 recommendations and in many cases how the implementation of those has been made. Although it is recognised that no single approach will fit all Aboriginal and Torres Strait Islander peoples, movement towards full implementation of the recommendations is essential to bringing about systematic change.

This report presents the findings of an exploratory study which aimed to find or develop culturally specific, holistic and useful assessment approaches to more accurately describe the status of implementation of the 54 recommendations and how the lack of is affecting the Stolen Generations.

In particular, the focus was on the implementation, partial implementation, or lack of implementation of the 54 recommendations by the South Australian Government. This study focuses on gathering relevant information from representatives of Aboriginal community controlled organisations, policy makers and from literature in order to produce an accurate picture of the status of the implementation of the 54 recommendations. This project considered Aboriginal ways of knowing and hence understanding of culturally appropriate research methodologies.
1.1. Methodology

This report is based on a number of consultations with stakeholders and desk research carried out between May 2016 and April 2017.

A Reconciliation South Australia researcher-volunteer started this investigation in May 2016. After reading the Bringing them home: Report of the National Enquiry into the Separation of Aboriginal and Torres Strait Islander Children from Their Families (from this point forward BTH or ‘the Report’), a deep study of the 54 recommendations contained in the Report was conducted, followed by desk research for eight months.

Following this research, a number of meetings were held with different members of Aboriginal run organisations and representatives from South Australian Governmental Departments. These meetings provided an avenue for consultation to improve this report and to clarify the content of the 54 Recommendations. These consultations also provided the researcher with a wide range of corroborating evidence, including stories, records, reports and policy documents.

The report aims to analyse the intent of the 54 recommendations into a modern day context. The word "contemporary" is a common word throughout the original BTH report. This report acknowledges that the word may no longer have the same meaning as it did twenty years ago in the context of changes in policies, structures and society as a whole.

In interpreting the context of BTH, Reconciliation SA has been mindful of reading the Report in today’s, rather than yesterday’s, language. There is also an element of subjectivity in this document which means that findings are open to continued discussion and change; a fact that Reconciliation SA is very open to and welcomes.

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2. INTRODUCTION

On the 26th May 1997, the Human Rights and Equal Opportunity Commission (from this point forward HREOC) released the Report, following a two year National Inquiry into the removal of Aboriginal and Torres Strait Islander children from their families.

Under the terms of reference, HREOC was commissioned to:

“(a) trace the past laws, practices and policies which resulted in the separation of Aboriginal and Torres Strait Islander children from their families by compulsion, duress or undue influence, and the effects of those laws, practices and policies;

(b) examine the adequacy of and the need for any changes in current laws, practices and policies relating to services and procedures currently available to those Aboriginal and Torres Strait Islander peoples who were affected by the separation under compulsion, duress or undue influence of Aboriginal and Torres Strait Islander children from their families, including but not limited to current laws, practices and policies relating to access to individual and family records and to other forms of assistance towards locating and reunifying families;

(c) examine the principles relevant to determining the justification for compensation for persons or communities affected by such separations;

(d) examine current laws, practices and policies with respect to the placement and care of Aboriginal and Torres Strait Islander children and advise on any changes required taking into account the principle of self-determination by Aboriginal and Torres Strait Islander peoples.”

BTH provides a detailed analysis of the legislative history of State, Territory and Commonwealth laws applied to Aboriginal and Torres Strait Islander children, as well as general child welfare and adoption laws. From around 1900 onwards, legislation in all Australian States and Territories was enacted which introduced processes by which Aboriginal and Torres Strait

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3 Ibidem, p 2 and 3.
Islander children could be removed from their families and made wards of the State. BTH states that:

“Nationally we can conclude with confidence that between one in three and one in ten Indigenous children were forcibly removed from their families and communities in the period from approximately 1910 until 1970.”

It is important to consider that neither the BTH nor this report capture the complexity of the effects of removal on Aboriginal and Torres Strait Islander peoples. As the BTH noted:

“For the majority of witnesses to the Inquiry, the effects have been multiple and profoundly disabling. (The effects of removal have to)... take into account the ongoing impacts and their compounding effects causing a cycle of damage from which it is difficult to escape unaided. Psychological and emotional damage renders many people less able to learn social skills and survival skills. Their ability to operate successfully in the world is impaired causing low educational achievement, unemployment and consequent poverty. These in turn cause their own emotional distress leading some to perpetrate violence, self-harm, substance abuse or anti-social behaviour.”

Seven months after the publication of the Report, the Government responded to the recommendations providing a $43 million package for the establishment of family tracing and counselling services, an oral history project and to address other recommendations of the Report.

Separate to the Inquiry, there has been over a decade of litigation aimed at providing compensation for Aboriginal and Torres Strait Islander peoples removed under previous government policies. Although there have been some successes, to date litigation has not provided sufficient compensation or healing of the harms caused by forcible removal.

In May 2016, Reconciliation South Australia started its own research on the BTH report and its 54 recommendations. As a result of the research process, this review resource has been designed to update the status of the current implementation of the 54 recommendations in Australia but with a

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5 Ibidem, p 178.
particular focus on South Australia (from this point forward SA) as it is more relevant for Reconciliation South Australia’s work as an organisation.

Since the handing down of the BTH report in 1997, a number of articles have been published regarding the Report. In 2008, Reconciliation SA published *the Stolen Generations. South Australian Education Pack*[^6]. Reconciliation SA also published “There Is Still Work To Be Done”[^7] in 2012. In 2015, the National Sorry Day Committee Inc. published a significant document entitled *Bringing them home. Scorecard Report 2015*[^8].

On the national scene the Healing Foundation has presented to the Prime Minister Malcolm Turnbull a report entitled “Bringing Them Home 20 years on: an action plan for healing”[^9] on the 23rd of May 2017. The report refers to three key recommendations that need to be addressed: “a comprehensive assessment of the contemporary and emerging needs of Stolen Generations members, including needs-based funding and its financial redress scheme”, “a national study into intergenerational trauma to ensure that there is real change for young Aboriginal and Torres Strait Islander peoples in the future”; “an appropriate policy response that is based on the principles underlying the 1997 Bringing Them Home report”.

As 2017 marks the 20th anniversary of the BTH publication, Reconciliation SA deemed it appropriate to analyse the content of the BTH to establish which recommendations have been applied, and identify those that the government still has a responsibility to address in the upcoming years. There are still many recommendations only partially implemented and other recommendations that have not been implemented at all.

The content of this report for South Australia is designed to:

- Empower Aboriginal and Torres Strait Islander peoples by providing a

[^7]: Reconciliation South Australia, “There is Still Work To Be Done” 2012, See Appendix 2.
clear analysis of the status of the recommendations and ways forward to make them all a reality.

- To increase knowledge and understanding of the status of the recommendations for policy makers and for the general public.
- Increase the understanding of the general public about the history of the child removal and the current day obstacles faced by members of the Stolen Generations.
- Foster united action in the spirit of reconciliation by all South Australians.
- Determine the focus of future actions aimed at maintaining the momentum generated by the Report to ensure all of the recommendations are carried out for the benefit of members of the Stolen Generations.
3. 54 RECOMMENDATIONS AND AMENDMENTS

3.1. Recording testimonies.

“That the Council of Australian Governments ensure the adequate funding of appropriate Indigenous agencies to record, preserve and administer access to the testimonies of Indigenous people affected by the forcible removal policies who wish to provide their histories in audio, audio-visual or written form.”

Recommendation 1 has been implemented in SA.

From 1998 to 2002 the National Library of Australia conducted the nationwide Bringing Them Home Oral History project. This project “served to collect and preserve the stories of Indigenous people and others, such as missionaries, police and administrators involved in or affected by the process of child removals.” During this project many Aboriginal people recorded their stories of removal.

A second round of interviews can be found on the Stolen Generations’ Testimonies website, a project funded by the FaHCSIA, among other organisations.

For SA, the recent introduction of the Stolen Generations Reparations Scheme – SGRS (2016) (from this point forward SGRS) has provided another avenue for individuals to record their testimony, thereby contributing to meeting this recommendation.

Even though the statistics are not available yet, a large number of interviews have already been conducted, and many who have shared their stories are expecting to receive their monetary compensation before November 2017. Recordings will be available to the general public once the SGRS program.

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12 Please find attached the resources here: http://stolengenerationstestimonies.com/index.php
13 For further information contact: Maria Atkins, phone 08 8463 6533, mobile 0466 451 65, or email sgreparation@sa.gov.au
has been completed. As the SGRS team has informed some testimonies of Aboriginal and Torres Strait peoples affected have not been recorded\textsuperscript{14}.

The recently announced scheme program by New South Wales Government\textsuperscript{15} will focus on Cootamundra Girls’ Corporation, Kinchela Boys’ Home Aboriginal Corporation and Children’s Home Incorporated. This program will provide financial assistance to the three Stolen Generations Organisations over the next 10 years.

Across Australia, this first recommendation has been partially implemented. There is still a great need to provide the opportunity, resources and funding for people who have not yet recorded their stories to do so. There is also a need to ensure that the stories recorded are preserved and protected in a culturally appropriate manner.

### 3.2. Procedure for implementation.

“Recommendation 2a: That the Council of Australian Governments establish a working party to develop a process for the implementation of the Inquiry’s recommendations and to receive and respond to annual audit reports on the progress of implementation.

Recommendation 2b: That the Commonwealth fund the establishment of a National Inquiry audit unit in the Human Rights and Equal Opportunity Commission to monitor the implementation of the Inquiry’s recommendations and report annually to the Council of Australian Governments on the progress of implementation of the recommendations.

Recommendation 2c: That ATSIC fund the following peak Indigenous organisations to research, prepare and provide an annual submission to the National Inquiry audit unit evaluating the progress of implementation of the Inquiry’s recommendations: Secretariat of National Aboriginal and Islander Child Care (SNAICC), Stolen Generations National Secretariat, National Aboriginal Community Controlled Health Organisation (NACCHO) and National Aboriginal and Islander Legal Services Secretariat (NAILSS).

Recommendation 2d: That Commonwealth, State and Territory Governments undertake to provide fully detailed and complete information to the National Inquiry audit unit annually on request

\textsuperscript{14} Ibidem.

Recommendation 2 has not been implemented in SA or across Australia. No working party or audit unit was ever established to keep track of the implementation of the recommendations. No Aboriginal organisation has been funded to evaluate and report on the implementation. The lack of consistent audit and evaluation is one of the primary reasons that twenty years on many recommendations have still not been implemented.

3.3. Components of reparations.

“Recommendation 3: That, for the purposes of responding to the effects of forcible removals, ‘compensation’ be widely defined to mean ‘reparation’; that reparation be made in recognition of the history of gross violations of human rights; and that the van Boven principles guide the reparation measures. Reparation should consist of,

1. acknowledgment and apology,
2. guarantees against repetition,
3. measures of restitution,
4. measures of rehabilitation, and
5. monetary compensation.”

As the Bringing them home. Scorecard Report 2015 mentions:

“Formal and government level acknowledgement and apology, as well as spoken guarantees against repetition have been made. To some extent there have been measures of restitution and rehabilitation through a range of service and program delivery but there has been no attempt, at a national level, to deal with the question of monetary compensation, as recommended in the stages outlined in the van Boven Principles.

[...]

Despite guarantees against repetition, Indigenous children continue to be removed from their families at unacceptable rates.”

The SGRS\textsuperscript{20} program funded by the South Australian Government is partially implementing Recommendation 3 across the State and providing monetary compensation. However, Recommendation 3 states that, this funding should be provided at a Federal level. It is therefore clear that this recommendation has not been implemented, as funding is being sourced from the South Australian, not Federal Government. If the funding is provided by the State Government, then this recommendation will be partially implemented.

It is important that funding is provided at a Federal level, as it ensures that all Aboriginal and Torres Strait Islander communities have equal access and opportunity to this funding across Australia. It has not been endorsed by van Boven Principles, which are, under international law, basic principles\textsuperscript{21} and guidelines for States concerning reparation to victims of gross violations of human rights. Across Australia, Tasmania is the only State in which the reparations scheme was consistent with the internationally endorsed van Boven Principles. Unfortunately, there are still States and Territories in which reparations have never been made.

There is still unfinished business regarding the guarantees against repetition. Reconciliation SA believes that there is still an unacceptable overrepresentation of Aboriginal and Torres Strait Islander children in youth justice facilities and in prisons. Over the past year many horrifying cases of mistreatment in the youth justice system have come to light in multiple States and Territories across the country. Including: Barwon\textsuperscript{22}

\begin{itemize}
  \item \textsuperscript{19} National Sorry Day Committee Inc., 2015, \textit{Bringing them home. Scorecard Report 2015}, Appendix A, p 4.
  \item \textsuperscript{20} Stolen Generations Reparation Scheme Program: \url{http://www.statedevelopment.sa.gov.au/aboriginal-affairs/stolen-generations-reparations-scheme}
  \item \textsuperscript{21} Further explanation of Theo van Boven Principles can be found in the following link (page 56): \url{http://www.un.org/ga/search/view_doc.asp?symbol=E/CN.4/Sub.2/1993/8}
  \item \textsuperscript{22} Further information: \url{http://www.theage.com.au/victoria/supreme-court-rules-again-that-children-should-not-be-held-in-adult-prison-20170511-gw2ddm.html}
\end{itemize}
in Victoria, Cleveland\(^23\) in Queensland, Don Dale\(^24\) in the Northern Territory, Cobham\(^25\) in New South Wales and Banksia Hill\(^26\) in Western Australia. Reconciliation SA believes that this evidence should be enough for Governments to implement an action plan for the juvenile system to minimise the risk of repetition as outlined in Recommendation 3.

In SA, Aboriginal youths comprise only 4\% of the total population aged 10-17 years old\(^27\), but make up 46\% of young people in detention\(^28\) and 34\% of young people under community-based supervision\(^29\).

Across Australia children are held criminally responsible from just 10 years of age\(^30\) despite “The Beijing Rules”\(^31\) having concluded that 12 is the lowest internationally acceptable minimum age of criminal responsibility. These facts reduce the implementation of Recommendation 3 to a partial state, and need to be addressed in a national plan of action as a priority.

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\(^{25}\) “A review is underway in New South Wales into the use of force and isolation in juvenile detention, after it emerged some detainees have been locked in their rooms for extended periods. Under the controversial Chisholm Behaviour program, now defunct, a detainee was held in his room for 166 days out of 300. The Cobham Juvenile Justice Centre in western Sydney is the main remand centre for New South Wales and takes in offenders across the full spectrum from minor infringements to murder.” For further information: [http://www.abc.net.au/news/2016-12-07/am-vists-the-cobham-juvenile-justice-centre-in-nsw/8098930](http://www.abc.net.au/news/2016-12-07/am-vists-the-cobham-juvenile-justice-centre-in-nsw/8098930)


\(^{29}\) Ibidem.


3.4. **Claimants.**

“Recommendation 4: That reparation be made to all who suffered because of forcible removal policies including,

1. individuals who were forcibly removed as children,
2. family members who suffered as a result of their removal,
3. communities which, as a result of the forcible removal of children, suffered cultural and community disintegration, and
4. descendants of those forcibly removed who, as a result, have been deprived of community ties, culture and language, and links with and entitlements to their traditional land.”

Reparations for individuals forcibly removed will be implemented in SA by the SGRS.

Family members, communities and descendants of those forcibly removed have never been compensated. For this reason, Reconciliation SA considers that Recommendation 4 has been partially implemented.

3.5. **Acknowledgment and apology - Parliaments and police forces.**

“Recommendation 5a: That all Australian Parliaments

1. officially acknowledge the responsibility of their predecessors for the laws, policies and practices of forcible removal,
2. negotiate with the Aboriginal and Torres Strait Islander Commission a form of words for official apologies to Indigenous individuals, families and communities and extend those apologies with wide and culturally appropriate publicity, and
3. make appropriate reparation as detailed in following recommendations.

Recommendation 5b: That State and Territory police forces, having played a prominent role in the implementation of the laws and policies of forcible removal, acknowledge that role and, in consultation with the Aboriginal and Torres Strait Islander

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Commission, make such formal apologies and participate in such commemorations as are determined.”  

Recommendation 5a was implemented in SA and across Australia.

The Australian Parliament formally apologised to the Australian Aboriginal peoples on the 13 February 2008. Prime Minister Kevin Rudd said in his speech:

“To the Stolen Generations, I say the following: as Prime Minister of Australia, I am sorry. On behalf of the Government of Australia, I am sorry. On behalf of the Parliament of Australia, I am sorry. And I offer you this apology without qualification. We apologise for the hurt, the pain and suffering we, the parliament, have caused you by the laws that previous parliaments have enacted. We apologise for the indignity, the degradation and the humiliation these laws embodied. We offer this apology to the mothers, the fathers, the brothers, the sisters, the families and the communities whose lives were ripped apart by the actions of successive governments under successive parliaments. In making this apology, I would also like to speak personally to the members of the Stolen Generation and their families: to those here today, so many of you; to those listening across the nation - from Yuendumu, in the central west of the Northern Territory, to Yabara, in North Queensland, and to Pitjantjatjara in South Australia.”

However, Recommendation 5b requires further information about the Police Act to ensure the full implementation of this recommendation.

It is known that the NSW Police Commissioner, Peter Ryan, apologised on 21st May 1998 to the Stolen Generations for the role of police officers in their removal.

“On behalf of the New South Wales Police Service, I offer a sincere apology to members of the ‘stolen generations’ and to all Aboriginal and Torres Strait Islander people for the prominent role that police played in enforcing past unjust laws.”

No other police force has formally apologised.

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3.6. Acknowledgment and apology - Churches and others.

“Recommendation 6: That churches and other non-government agencies which played a role in the administration of the laws and policies under which Indigenous children were forcibly removed acknowledge that role and in consultation with the Aboriginal and Torres Strait Islander Commission make such formal apologies and participate in such commemorations as may be determined.”

Recommendation number 6 has been implemented in SA and across Australia.

In 1988 the Australia’s Representative of the United Nations Human Rights Committee stated “[Australia] acknowledged that the Public Policy regarding the care of Aboriginal children, particularly during the post-war period, had been a serious mistake.”

The South Australian Minister for Aboriginal Affairs, Michael Armitage, stated in the house of Assembly in September 1994:

“I remind members of the appalling and breathtakingly paternalistic practice of taking Aboriginal children from their families, ostensibly to provide for them in a so-called ‘better fashion’… There would be few Aboriginal people beyond school age who were not raised without the threat, if not the actuality of family dislocation. It will take decades yet before the consequences of these policies are worked through. The consequences of past mistakes are carried from generation to generation. Reconciliation appropriately involves an honest acknowledgment of the impact of colonisation, both historically and up to the current day.”

Most churches recognise the devastating effects of the forcible removal policies and practices. Apologies by Centacare Catholic Community Services, Uniting Church, Roman Catholic Church, Society of the Catholic Apostolate, Kimberley Sisters of St. John of God, Anglican Church Social

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42 Aboriginal Legal Rights Movement submission 484 on page 48.
Responsibilities Commission, Churches of Christ, are some of the statements compiled at the AustLII\textsuperscript{43} resource website.

Particularly in SA, in May 1997, Premier Dean Brown gave the first formal apology to the Stolen Generations by any State Government in Australia.

“\textit{I move:}

That the South Australian Parliament expresses its deep and sincere regret at the forced separation of some Aboriginal children from their families and homes which occurred prior to 1964, apologises to these Aboriginal people for these past actions and reaffirms its support for reconciliation between all Australians.”\textsuperscript{44}

\textbf{3.7. Commemoration.}

“Recommendation 7a: That the Aboriginal and Torres Strait Islander Commission, in consultation with the Council for Aboriginal Reconciliation, arrange for a national ‘Sorry Day’ to be celebrated each year to commemorate the history of forcible removals and its effects.

Recommendation 7b: That the Aboriginal and Torres Strait Islander Commission, in consultation with the Council for Aboriginal Reconciliation, seek proposals for further commemorating the individuals, families and communities affected by forcible removal at the local and regional levels. That proposals be implemented when a widespread consensus within the Indigenous community has been reached.”\textsuperscript{45}

Recommendation 7 was implemented in SA and across Australia.

The first National Sorry Day\textsuperscript{46} was celebrated on 26 May 1998. National Sorry Day is now an annual day of commemoration and remembrance of all those who have been impacted by past government policies of forcible removal. National Sorry Day has also received formal recognition as a national day from the Australian parliament signified by raising the Aboriginal and Torres Strait Islander flags.

\textsuperscript{43}For further information: \url{http://www3.austlii.edu.au/au/other/IndigLRes/stolen/stolen31.html}

\textsuperscript{44}Further information: \url{https://www.humanrights.gov.au/publications/bringing-them-home-apologies-state-and-territory-parliaments-2008}


\textsuperscript{46}See further information: \url{http://www.australia.gov.au/about-australia/australian-story/sorry-day-stolen-generations}
3.8. School Education.

“Recommendation 8a: That State and Territory Governments ensure that primary and secondary school curricula include substantial compulsory modules on the history and continuing effects of forcible removal.

Recommendation 8b: That the Australian Institute of Aboriginal and Torres Strait Islander Studies be funded by the Commonwealth to develop these modules.”

In 2008, Reconciliation South Australia published an education resource, *The Stolen Generations. South Australian Education Pack*. This resource has since been picked up at a national level. Link-Up also produced a Stolen Generations Primary School Resource kit during 2010-2011 which was distributed to many primary schools in SA.

Reconciliation South Australia has however found that the education about child removal and the experiences of the Stolen Generations is not a compulsory part of the SA or the National curriculum.

Thus, Recommendation 8 was partially implemented in SA.

Across Australia, Recommendation 8 has been also partially implemented.

For example, in NSW the government stated in 2017:

“The NSW Government ensure that the history of past forcible removal policies and practices and its continuing impacts on Aboriginal people are compulsory modules in primary and secondary school curricula, and encourage private providers to do the same”

3.9. Professional Training.

“Recommendation 9a: That all professionals who work with Indigenous children, families and communities receive in-service training about the history and effects of forcible removal.

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Recommendation 9b: That all under-graduates and trainees in relevant professions receive, as part of their core curriculum, education about the history and effects of forcible removal.49

The recommendation 9 has been partially implemented across Australia and SA.

Some programs have been implemented for different Aboriginal run organisations and the Australian Government has invested in the leadership skills of the Stolen Generations to support them as community advocates50.


“Recommendation 10: That the Commonwealth legislate to implement the Genocide Convention with full domestic effect.”51

The Genocide Convention52 was ratified by Australia the 12th July 1949 but none of the articles contained in the Convention were implemented with full domestic effect. Recommendation 10 was not implemented in SA or across Australia.

3.11. Assistance to return to country.

“Recommendation 11: That the Council of Australian Governments ensure that appropriate Indigenous organisations are adequately funded to employ family reunion workers to travel with clients to their country, to provide Indigenous community education on the history and effects of forcible removal and to develop community genealogies to establish membership of people affected by forcible removal.”53

Recommendation 11 has been partially implemented in SA and across Australia.

The Link-Up SA service is funded by the Federal Government under the Indigenous Advancement Strategy and the SA Government contributes additional funding for Link-Up SA to take clients back to family and country. Link-Up services in each state and territory are similarly funded.

3.12. Language, culture and history centres.

“Recommendation 12a: That the Commonwealth expand the funding of Indigenous language, culture and history centres to ensure national coverage at regional level.

Recommendation 12b: That where the Indigenous community so determines, the regional language, culture and history centre be funded to record and maintain local Indigenous languages and to teach those languages, especially to people whose forcible removal deprived them of opportunities to learn and maintain their language and to their descendants.”

Recommendation 12 has been partially implemented in SA.

Some organisations have received funding and are working to maintain local Indigenous languages.

“With the renewed interest in Indigenous languages Pitjantjatjara programs for Indigenous students commenced in schools in Port Augusta and Adelaide. From 1994 Alberton Primary School taught Pitjantjatjara to all students, and included Kaurna songs in the choir repertoire. In 2000 Aboriginal languages (Pitjantjatjara, Yankuntjatjara, Antakarinja, Wirangu, Arabana, Adnyamathanha, Narangga, Kaurna or Ngarrindjeri) were offered by 63 schools to 2500 South Australian students, the majority Indigenous.”

Across the country, the latest news regarding Recommendation 12 are that the NSW Government has made the announcement of protection by legislation the Indigenous languages in NSW. This information was published in November 2016.


“Recommendation 13: That Indigenous organisations, such as Link-Ups and Aboriginal and Islander Child Care Agencies, which assist those forcibly removed by undertaking family history research be recognised as Indigenous communities for the purposes of

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certifying descent from the Indigenous peoples of Australia and acceptance as Indigenous by the Indigenous community.”

Recommendation 13 was implemented in SA and across Australia.

The programs have been developed very slowly and there are not enough funding to assist Aboriginal and Torres Strait Islander peoples to establish proof of their heritage. The role of Link-Up agencies across Australia is to work with members of the Stolen Generations to find family, identify country and assist with reunions. However, Link-Up is not involved with official Confirmation of Aboriginality.


“Recommendation 14: That monetary compensation be provided to people affected by forcible removal under the following heads.

1. Racial discrimination.
2. Arbitrary deprivation of liberty.
3. Pain and suffering.
4. Abuse, including physical, sexual and emotional abuse.
5. Disruption of family life.
7. Loss of native title rights.
8. Labour exploitation.
10. Loss of opportunities.”

A national scheme for monetary compensation has not been provided.

In South Australia, the SGRS program will partially implement this

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59 Ibidem, p 263.
60 Case Bruce Trevorrow in South Australia: https://www.creativespirits.info/aboriginalculture/politics/compensation-for-stolen-generation-members
recommendation. As mentioned previously in this report this program is not nationally funded.

### 3.15. **National Compensation Fund.**


Recommendation 15 was not implemented.

### 3.16. **National Compensation Fund Board.**

“Recommendation 16a: That the Council of Australian Governments establish a Board to administer the National Compensation Fund.

Recommendation 16b: That the Board be constituted by both Indigenous and non-Indigenous people appointed in consultation with Indigenous organisations in each State and Territory having particular responsibilities to people forcibly removed in childhood and their families. That the majority of members be Indigenous people and that the Board be chaired by an Indigenous person.”

Recommendation 16 was not implemented.

### 3.17. **Procedural principles.**

“Recommendation 17: That the following procedural principles be applied in the operations of the monetary compensation mechanism.

1. Widest possible publicity.

2. Free legal advice and representation for claimants.

3. No limitation period.

4. Independent decision-making which should include the participation of Indigenous decision-makers.

5. Minimum formality.


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63 Ibidem, p 268.
Recommendation 17 has been implemented in SA, although it has only been partially implemented across Australia as the monetary compensation does not come from a National financial program.

3.18. **Minimum lump sum.**

“Recommendation 18: That an Indigenous person who was removed from his or her family during childhood by compulsion, duress or undue influence be entitled to a minimum lump sum payment from the National Compensation Fund in recognition of the fact of removal. That it be a defence to a claim for the responsible government to establish that the removal was in the best interests of the child.”

In South Australia, the SGRS covers this recommendation.

As Recommendation 18 relates to a National Compensation fund, it was not implemented in full across Australia.

3.19. **Proof of particular harm.**

“Recommendation 19: That upon proof on the balance of probabilities any person suffering particular harm and/or loss resulting from forcible removal be entitled to monetary compensation from the National Compensation Fund assessed by reference to the general civil standards.”

Recommendation 19 will be implemented by the SGRS in SA.

Further monetary compensation is a possibility for individuals who seek legal remedy based upon the level of harm that they have experienced. An example of seeking monetary compensation in SA through the Supreme Court is the Trevorrow case. This was one of the most significant cases across Australia as it went for a full hearing and the plaintiff was successful.

Across Australia, the situation is similar. For some years, attempts have been made through the legal system, at both Federal and State jurisdictions,

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64 Ibidem, p 269.
65 Ibidem, p 270.
to claim damages for pain and suffering\(^{69}\). There are a number of cases noteworthy: Kruger v Commonwealth (1997) 190 CLR 1\(^{70}\); Williams v The Minister of Aboriginal Land Rights Act 1983 and NSW (2000) NSWCA 255; Cubillo and Gunner v The Commonwealth (2000) ALR 97-584\(^{71}\); Johnson v Department of Community Services (2000) Australian Torts Reports; Boreham v State of New South Wales (unreported) (2001); Jones v State of New South Wales (unreported) (2004); Collard v State of Western Australia (2013) WASC 455\(^{72}\).

### 3.20. Civil claims.

“Recommendation 20: That the proposed statutory monetary compensation mechanism not displace claimants’ common law rights to seek damages through the courts. A claimant successful in one forum should not be entitled to proceed in the other.”\(^{73}\)

In SA, an application to the SGRS\(^{74}\) as an administrative scheme, does not preclude claimants from pursuing a case for damages in a court. Therefore, for SA this recommendation has been implemented.

Across Australia, similar programs to the SGRS are working towards the implementation of Recommendation 20 in NSW, QLD and WA. The other States and Territory are still looking into the issue. Further information on the implementation of those is needed regarding civil claims.

In NSW, a program was announced by the Government in December 2016\(^{75}\). The QLD Government has also implemented a reparations scheme program, which will be running until 2018\(^{76}\).

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\(^{70}\) Kruger v Commonwealth (1997) 190 CLR 1

\(^{71}\) Cubillo and Gunner v The Commonwealth (2000) ALR 97-584

\(^{72}\) Collard v State of Western Australia (2013) WASC 455


The WA Government has also offered compensation to Aboriginal people who had their wages stolen, an offer that received much criticism.\(^{77}\) This is however a separate issue to compensation for forcible child removal.

### 3.21. Destruction of records prohibited.

“Recommendation 21: That no records relating to Indigenous individuals, families or communities or to any children, Indigenous or otherwise, removed from their families for any reason, whether held by government or non-government agencies, be destroyed.”\(^{78}\)

This recommendation has been implemented in SA.

State Records of South Australia has been working on the preservation of records from different governmental and non-governmental agencies since 1920. South Australia’s States Archives Department was the first State Archives in Australia.

Legislation enacted in 1925 prohibited the destruction of South Australian Government records without the approval of the Libraries Board of South Australia. The legislation empowered the board to take records into its custody and provided for the recovery of government documents in the hands of ‘unauthorised persons’.\(^{79}\) The Act was incorporated into the Libraries Act 1982.\(^{80}\)

### 3.22. Record preservation.

“Recommendation 22a: That all government record agencies be funded as a matter of urgency by the relevant government to preserve and index records relating to Indigenous individuals, families and/or communities and records relating to all children, Indigenous or otherwise, removed from their families for any reason.

Recommendation 22b: That indexes and other finding aids be developed and managed in a way that protects the privacy of individuals and, in particular, prevents the compilation of dossiers.”\(^{81}\)

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In SA, Recommendation 22 has been implemented in SA.

State Records of South Australia\(^{82}\) has been working in the identification of records, the development of databases and resources to ensure the implementation of Recommendation 22. The Aboriginal Information Management System (AIMS) was developed by State Records to provide a method for indexing records related to Aboriginal people in South Australia. AIMS is used by the Aboriginal Access Team to locate records related to members of the Stolen Generations. Once identified access to these is subject to the approval of Aboriginal Affairs and Reconciliation Freedom of Information officers. Other resources produced by State Records are available to the general public and they are updated depending on funding.

For advice on accessing records relating to Aboriginal history, please contact the Aboriginal Access Team\(^{83}\).

Recommendation 22 was also implemented across Australia. The National Library was found for the Commonwealth Government to develop and manage an oral history project. This project ran from 1999 to 2002 collecting and preserving the stories of Aboriginal people, missionaries, police and administrators involved in or affected by the process of child removals\(^{84}\).

### 3.23. Joint records taskforces.

"Recommendation 23: That the Commonwealth and each State and Territory Government establish and fund a Records Taskforce constituted by representatives from government and church and other non-government record agencies and Indigenous user services to,

1. develop common access guidelines to Indigenous personal, family and community records as appropriate to the jurisdiction and in accordance with established privacy principles,

2. advise the government whether any church or other non-government record-holding agency should be assisted to preserve and index its records and administer access,

\(^{82}\) Further information available online: [https://www.archives.sa.gov.au/content/aboriginal-services](https://www.archives.sa.gov.au/content/aboriginal-services)

\(^{83}\) Email: srsaaboriginalservices@sa.gov.au or Phone 8343 6800

3. advise government on memoranda of understanding for dealing with inter-State enquiries and for the inter-State transfer of files and other information,

4. advise government and churches generally on policy relating to access to and uses of Indigenous personal, family and community information, and

5. advise government on the need to introduce or amend legislation to put these policies and practices into place.”

The establishment of a Records task force has been implemented in SA. State Records of South Australia has in the past received funding from the Federal and State Governments on multiple occasions. The following publications may prove useful for researchers and members of the Stolen Generations trying to recover information about their past and their families.

*Little Flour and a Few Blankets* - an administrative history of Aboriginal affairs in SA, between 1834 and 2000. The history includes a guide to records in the custody of State Records relating to Aboriginal and Torres Strait Islander peoples.

*Aboriginal Resource Kit* - an introduction to primary sources held by State Records relating to Aboriginal and Torres Strait Islander peoples. It includes an example of records created in the course of the South Australian government’s administration of Aboriginal affairs.

*Distant Voices* - a promotional and educational DVD that shows how the records held by state Records can help Aboriginal people research Native Title, Aboriginal heritage, Reconciliation and family and community history.

*Guide to records relating to Aboriginal People* - a five volume guide to records in the custody of State Records relating to Aboriginal people.


Aboriginal Information Management System (AIMS) Database90 - To date, the state Records Aboriginal Access Team have input over 144,000 entries onto the AIMS database reflecting the names of Aboriginal people and corresponding references to information about them identified in primary source records held by State Records.

3.24. Inter-State enquiries.

“Recommendation 24: That each government, as advised by its Records Taskforce, enter into memoranda of understanding with other governments for dealing with inter-State enquiries and for the inter-State transfer of records and other information.”91

This recommendation was not implemented.

3.25. Minimum access standards.

“Recommendation 25: That all common access guidelines incorporate the following standards.

1. The right of every person, upon proof of identity only, to view all information relating to himself or herself and to receive a full copy of the same.

2. No application fee, copying fee or other charge of any kind to be imposed.

3. A maximum application processing period to be agreed by the Records Taskforce and any failure to comply to be amenable to review and appeal.

4. A person denied the right of access or having any other grievance concerning his or her information to be entitled to seek a review and, if still dissatisfied, to appeal the decision or other matter free of charge.

5. The right of every person to receive advice, both orally and in writing, at the time of application about Indigenous support and assistance services available in his or her State or Territory of residence.

6. The form of advice provided to applicants to be drafted in consultation with local Indigenous family tracing and reunion services and to contain information about the nature and form of the information to be disclosed and the possibility of distress.

90 A search of AIMS is available via the Aboriginal Access Team.
7. The right of every person to receive all personal identifying information about himself or herself including information which is necessary to establish the identity of family members (for example, parent's identifying details such as name, community of origin, date of birth).

8. The right of every person who is the subject of a record, subject to the exception above, to determine to whom and to what extent that information is divulged to a third person.”

Recommendation 25 was not implemented.

As a result of the Apology to Forgotten Australians and Former Child Migrants in 2009 and the Federal Government commissioned a document outlining principles of fair access to records by Care Leavers. This document is equally relevant to members of the Stolen Generations but it is yet to be acted upon.

The current Royal Commission into institutional responses to Child Sexual Abuse released a consultation paper on records in September 2016 and many of the submissions also called for the implementation of common and fair access guidelines for all who experienced child removal and institutional care. This is yet to happen in any State or Territory as a National practice.

### 3.26. FoI in the NT.

“Recommendation 26: That the Northern Territory Government introduce Freedom of Information legislation on the Commonwealth model.”

This is a specific recommendation for the Northern Territory and therefore Reconciliation South Australia has no comment on the implementation of this recommendation for SA.

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92 Ibidem, p 304.
However, Recommendation 26 was implemented in the Northern Territory via the Information Act 2002. Freedom of Information legislation in the NT has an impact to many Aboriginal and Torres Strait Islander peoples in SA and across the nation. During the years of forcible child removal many children were removed from their families in the NT and sent south to SA and other States. For this reason, FoI legislation is essential for these people.

3.27. Indigenous family information service.

“Recommendation 27: That the Commonwealth and each State and Territory Government, in consultation with relevant Indigenous services and its Records Taskforce, establish an Indigenous Family Information Service to operate as a ‘first stop shop’ for people seeking information about and referral to records held by the government and by churches. That these Services be staffed by Indigenous people. That to support these Services each government and church record agency nominate a designated contact officer.”

Recommendation 27 has been implemented in SA through the Link-Up SA Program headed by Nunkuwarrin Yunti of South Australia Inc. The program is funded by the Department of Prime Minister and Cabinet (Federal), and also receives funding from the Department of Premier & Cabinet, Aboriginal Affairs & Reconciliation (State).

Across Australia, Recommendation 27 was also implemented. The Link-Up organisations established in most states and territories are as follows

- NSW: www.linkupnsw.org.au
- SA: Nunkuwarrin Yunti of SA Inc. www.nunku.org.au
- NT Stolen Generations: Darwin based - www.ntsgac.org.au
- Alice Springs attached to Central Australian Aboriginal Congress. www.caac.org.au
- QLD: www.link-upqld.org.au
- Tas – no Link-Up services operate in Tasmania but one can be eligible in other States.
- Vic: www.linkupvictoria.org.au
- WA - Kimberley Stolen Generation: www.kimberleystolengeneration.com.au
- WA – Yorgum Aboriginal Corporation: www.yorgum.org.au

Ibidem, p 305.
• ACT – contact NSW.

3.28. Training.

“Recommendation 28: That the Commonwealth and each State and Territory Government institute traineeships and scholarships for the training of Indigenous archivists, genealogists, historical researchers and counsellors.”

Recommendation 28 has been partially implemented in SA and across Australia.

A small number of courses have been developed to train Aboriginal counsellors and researchers. These include courses run by the People Development Unit of Nunkuwarrin Yunti of SA in Narrative Therapy and Stolen Generations Family History Research and Case Management. However, these are unusual. There is no training or specific scholarships provided to allow for the development of Indigenous archivists and/or historians.

3.29. Indigenous repositories.

“Recommendation 29a: That, on the request of an Indigenous community, the relevant Records Taskforce sponsor negotiations between government, church and/or other non-government agencies and the relevant Indigenous language, culture and history centre for the transfer of historical and cultural information relating to that community and its members.

Recommendation 29b: That the Council of Australian Governments ensure that Indigenous language, culture and history centres have the capacity to serve as repositories of personal information that the individuals concerned have chosen to place in their care and which is protected in accordance with established privacy principles.”

Recommendation 29 has been partially implemented in SA and across Australia.

The Australian Institute of Aboriginal and Torres Strait Islander Studies received funding between 2013 and 2016 for “The Collection Management

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100 Further information: http://www.sewbmh.org.au/page/3670
Plan”. This plan explains the collecting focus of the institution as follows:

*The AIATSIS Collection provide a central repository for information about Australian Indigenous studies, which are otherwise distributed across a multitude of collections worldwide and are often difficult to access, particularly by Indigenous communities. Australian Indigenous societies have traditionally transmitted knowledge through oral and visual means, and AIATSIS is the only Commonwealth institution charged with the custodianship of collections which attempt to document those traditions.*

Reconciliation SA regards this as a partially implemented recommendation because there is no Records Task Force to consult with communities about the transfer of information.

### 3.30. Establishment of family tracing and reunion services.

“Recommendation 30a: That the Council of Australian Governments ensure that Indigenous community-based family tracing and reunion services are funded in all regional centres with a significant Indigenous population and that existing Indigenous community-based services, for example health services, in smaller centres are funded to offer family tracing and reunion assistance and referral.

Recommendation 30b: That the regional services be adequately funded to perform the following functions.

1. Family history research.

2. Family tracing.

3. Support and counselling for clients viewing their personal records.

4. Support and counselling for clients, family members and community members in the reunion process including travel with clients.

5. Establishment and management of a referral network of professional counsellors, psychologists, psychiatrists and others as needed by clients.

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6. Advocacy on behalf of individual clients as required and on behalf of clients as a class, for example with record agencies.

7. Outreach and publicity.

8. Research into the history and effects of forcible removal.


10. Engaging the service of Indigenous experts for provision of genealogical information, traditional healing and escorting and sponsoring those returning to their country of origin.

11. Participation in training of Indigenous people as researchers, archivists, genealogists and counsellors.

12. Participation in national networks and conferences.

13. Effective participation on Record Taskforces.

14. Support of test cases and other efforts to obtain compensation."

Recommendation 30 has been partially implemented in SA and across Australia.

Link-Up SA is funded to provide service to the South Australian Stolen Generation community and their families. However as yet no “Indigenous community-based family tracing and reunion services” exist in regional areas. Bringing Them Home counsellors [now broader Social and Emotional WellBeing counsellors] are available in some regional areas and work with Link Up SA to support clients accessing family tracing and reunion services in these areas.

Currently there are 8 Link-Up services: one each in New South Wales, Queensland, South Australia and Victoria, two in the Northern Territory and two in Western Australia (none in Tasmania). The Services operate either as stand-alone Link-Up Services or are auspiced by Aboriginal Community Controlled Health services. There is a network of 100 Bringing Them Home Counsellors in services around Australia. The National Link-Up Program

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assists Aboriginal and Torres Strait Islander people separated from their families as a result of past governments’ policies and practices\(^{104}\).

Nunkuwarrin Yunti of SA Inc. has operated the South Australian Link-Up service since 1999.\(^{105}\)

3.31. **Return of those removed overseas.**

“Recommendation 31a: That the Commonwealth create a special visa class under the Migration Act 1951 (Cth) to enable Indigenous people forcibly removed from their families and from Australia and their descendants to return to Australia and take up permanent residence.

Recommendation 31b: That the Commonwealth amend the Citizenship Act 1948 (Cth) to provide for the acquisition of citizenship by any person of Aboriginal or Torres Strait Islander descent.

Recommendation 31c: That the Commonwealth take measures to ensure the prompt implementation of the International Transfer of Prisoners Bill 1996.”\(^{106}\)

Recommendation 31 was partially implemented.

Recommendation 31c has been implemented.

The complexity of this issue requires more time and research to be achieved.

3.32. **Research.**

“Recommendation 32: That the Commonwealth Government work with the national Aboriginal and Torres Strait Islander Health Council in consultation with the National Aboriginal Community Controlled Health Organisation (NACCHO) to devise a program of research and consultations to identify the range and extent of emotional and well-being effects of the forcible removal policies.”\(^{107}\)

Recommendation 32 was partially implemented in SA and across Australia.

Research has been conducted by the National Aboriginal Community Controlled Health Organisation (from this point forward NACCHO) and

104 The Link-Up Program is still available as one can find in the links provided above. 


107 *Ibidem,* p 341.
AIATSIS data project which is available through National Aboriginal and Torres Strait Islander Social Survey\textsuperscript{108} (from this point forward NATSISS).

There has been an absence of funding in the last decade\textsuperscript{109}. Research is needed to identify the range and extent of emotional and well-being effects of the forcible removal policies.

### 3.33. Indigenous well-being model.

“Recommendation 33a: That all services and programs provided for survivors of forcible removal emphasise local Indigenous healing and well-being perspectives.

Recommendation 33b: That government funding for Indigenous preventive and primary mental health (well-being) services be directed exclusively to Indigenous community-based services including Aboriginal and Islander health services, child care agencies and substance abuse services.

Recommendation 33c: That all government-run mental health services work towards delivering specialist services in partnership with Indigenous community-based services and employ Indigenous mental health workers and community members respected for their healing skills.”\textsuperscript{110}

Recommendation 33 has been partially implemented in South Australia and across Australia.

Recommendation 33a is implemented, most services are regionally focused.

Recommendation 33b is not implemented - considerable funding went to non-Aboriginal services under the Aboriginal Advancement Strategy.

Recommendation 33c is not implemented.

### 3.34. Health professional training.

“Recommendation 34a: That government health services, in consultation with Indigenous health services and family tracing and reunion services, develop in-service training for all employees in the history and effects of forcible removal.


Recommendation 34b: That all health and related training institutions, in consultation with Indigenous health services and family tracing and reunion services, develop under-graduate training for all students in the history and effects of forcible removal.”  

Recommendation 34 on health professional training has been partially implemented in SA and across Australia.

There are different State professional training programs regarding health and healing for people who directly experienced the trauma generated by forcible removal. The development of this should be part of the national accreditation system.

At present, it is not a requirement for all employees and is not available for all employees. There is no generic board training for undergraduates in the history and effects of forcible removal.

As the Healing Foundation mentions in its latest report, “Bringing Them Home 20 years on: an action plan for healing”:

“Healing centres are an important new approach for Stolen Generations members and their descendants. For many of our Stolen Generations who have nowhere to call home they are creating a place of healing and renewal and helping to support members to have a culturally safe place to seek sanctuary and support.”

3.35. Mental health worker training.

“Recommendation 35: That all State and Territory Governments institute Indigenous mental health worker training through Indigenous-run programs to ensure cultural and social appropriateness.”

Recommendation 35 regarding mental health worker training has been partially implemented in SA and across Australia.

In SA, Nunkuwarrin Yunti of SA Inc. runs a seven day workshop on Mental Health for Workers in Aboriginal and Torres Strait Islander Communities.
As there is not an accredited certification of Aboriginal Mental Health, it is incumbent for the universities to implement programs with Mental Health training.

### 3.36. Parenting skills.

“Recommendation 36: That the Council of Australian Governments ensure the provision of adequate funding to relevant Indigenous organisations in each region to establish parenting and family well-being programs.”

Recommendation 36 on parenting skills was implemented in SA and across Australia.

In SA, UnitingCare Wesley Port Adelaide has received governmental funding until December 2016 to action the Building Family Opportunity (BFO) program which provides an intensive whole of life service for jobless families which breaks the cycle of long-term and intergenerational joblessness.

Nunkuwarrin Yunti of SA Inc. also runs maternal and child health service which provides options for pregnant Aboriginal women, infants and their families. This service includes also non-Aboriginal women having an Aboriginal baby.

### 3.37. Prisoner services.

“Recommendation 37: That the Council of Australian Governments ensure the provision of adequate funding to Indigenous health and medical services and family well-being programs to establish preventive mental health programs in all prisons and detention centres and to advise prison health services. That State and Territory corrections departments facilitate the delivery of these programs and advice in all prisons and detention centres.”

Recommendation 37 has been partially implemented in SA and across Australia. In the COAG meeting held in December 2016, leaders reaffirmed that improving the lives of Aboriginal and Torres Strait Islander peoples was a priority.

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115 Ibidem, p 348.
116 Further information regarding the BFO program in the following link: [http://www.ucwpa.org.au/program-details-system-page/21](http://www.ucwpa.org.au/program-details-system-page/21)
118 You can contact their AMIC Worker on 8406 1600 or come in and have a chat to discuss your situation.
“With the current framework approaching its 10 year anniversary and some targets due to expire in 2018, Leaders have committed to work together and with Indigenous leaders, organisations and communities to refresh this agenda with renewed emphasis on collaborative effort, evaluation and building on what works in each jurisdiction.”120

This promise could ensure the provision of adequate funding to Indigenous health and medical services and family well-being programs to establish preventive mental health programs in all prisons and detention centres and to advise prison health services.121

3.38. Private collections.

“Recommendation 38a: That every church and other non-government agency which played a role in the placement and care of Indigenous children forcibly removed from their families, at the request of an Indigenous language, culture and history centre, transfer historical and cultural information it holds relating to the community or communities represented by the centre.

Recommendation 38b: That churches and other non-government agencies which played a role in the placement and care of Indigenous children forcibly removed from their families identify all records relating to Indigenous families and children and arrange for their preservation, indexing and access in secure storage facilities preferably, in consultation with relevant Indigenous communities and organisations, in the National Library, the Australian Institute of Aboriginal and Torres Strait Islander Studies or an appropriate State Library.

Recommendation 38c: That every church and non-government record agency which played a role in the placement and care of Indigenous children forcibly removed from their families provide detailed information about its records to the relevant Indigenous Family Information Service or Services.”122

Recommendation 38 has only been partially implemented.

Although some church organisations have made efforts to preserve, list and index records related to child removal there a still those that have not. With the advent of the Find & Connect web resource project, many church and other private holders of records shared information about their holdings for the Find & Connect web resource. Some organisations also applied for Federal Funding via the Records Access Documentation Program to

organise, list and develop indexes and databases for records.

There are a number of private collections held by individuals or lodged with individuals who act as custodians of records created by defunct former Care Providers. These “orphan collections” are not controlled by larger non-government of church bodies and therefore make their own decisions about allowing or restricting access to records. This recommendation will not be fully met until these records are listed, indexed and made available to members of the Stolen Generations.


“Recommendation 39: That church and other non-government record agencies implement the national minimum access standards (Recommendation 25) and apply the relevant State, Territory or Commonwealth common access guidelines (Recommendation 23).”

Recommendation 39 regarding minimum standards and common guidelines was not implemented.

There are no minimum standards or common access guidelines for non-governmental and church organisations. Fair access guidelines discussed within Recommendation 25 should be implemented for all records regardless of whether they are controlled by government or non-governmental agencies.

### 3.40. Counselling services.

“Recommendation 40a: That churches and other non-government welfare agencies that provide counselling and support services to those affected by forcible removal review those services, in consultation with Indigenous communities and organisations, to ensure they are culturally appropriate.

Recommendation 40b: That churches and other non-government agencies which played a role in the placement and care of Indigenous children forcibly removed from their families provide all possible support to Indigenous organisations delivering counselling and support services to those affected by forcible removal.”

Recommendation 40 on Counselling services has been partially implemented in SA and across Australia. The Bringing Them Home Counselling Program

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123 For example the records of the United Aborigines Mission and the records of the Umeewarra Mission.


125 *Ibidem,* p 363.
provides support to people affected by the forced removal policies and practices of past governments. This includes counselling before, during and after family reunions\textsuperscript{126}.

Anglicare SA provides counselling services to Aboriginal and Torres Strait Islander peoples through its Loss & Grief Counselling\textsuperscript{127} services. Anglicare has offices across Australia providing similar services as Anglicare SA in NT\textsuperscript{128}, QLD\textsuperscript{129}, Vic\textsuperscript{130}, Tas\textsuperscript{131}, WA\textsuperscript{132} and NSW & ACT\textsuperscript{133}.

Relationships Australia is also providing counselling services to people of the Stolen Generations across Australia. Mid June 2016, Relationships Australia SA hosted the Stolen Generations Healing Camp\textsuperscript{134} in which nearly 40 members of the Stolen Generations living in SA participated.

3.41. Land holding.

“Recommendation 41: That churches and other non-government agencies review their land holdings to identify land acquired or granted for the purpose of accommodating Indigenous children forcibly removed from their families and, in consultation with Indigenous people and their land councils, return that land.”\textsuperscript{135}

The review of land holdings granted for accommodating Aboriginal people affected by forcible removal was not implemented.

3.42. Social justice.

“Recommendation 42: That to address the social and economic disadvantages that underlie the contemporary removal of Indigenous children and young people the Council of Australian Governments,

1. in partnership with ATSIC, the Council for Aboriginal Reconciliation, the Office of the Aboriginal and Torres Strait Islander Social Justice Commissioner and Indigenous community organisations dealing with Indigenous family and

\textsuperscript{126} Further information: http://www.sewbmh.org.au/page/3670
\textsuperscript{128} Anglicare NT website: https://www.anglicare-nt.org.au/service/family-counselling/
\textsuperscript{129} Anglicare Central Queensland website: https://www.anglicarecq.org.au/what-we-do/counselling/
\textsuperscript{130} Anglicare Victoria website: https://www.anglicarevic.org.au/what-we-do/strengthening-communities/
\textsuperscript{131} Anglicare Tasmania website: https://www.anglicare-tas.org.au/service/family-relationship-counselling
\textsuperscript{133} Anglicare NSW & ACT website: https://www.anglicare.com.au/
\textsuperscript{134} Further information: http://www.rasa.org.au/healing-camp-wirrina-resort/
children’s issues, develop and implement a social justice package for Indigenous families and children, and

2. pursue the implementation of the recommendations of the Royal Commission into Aboriginal Deaths in Custody which address underlying issues of social disadvantage.”

Recommendation 42 on social justice has been partially implemented in SA and across Australia. On all indicators, Aboriginal children and young people still face significant disadvantage compared to non-Aboriginal counterparts.

As mentioned in the Introduction of this report, the word “contemporary” is a common word throughout the BTH report. This report acknowledges that this word may no longer have the same meaning as it did in 1997.

3.43. Self-determination.

“Recommendation 43a: That the Council of Australian Governments negotiate with the Aboriginal and Torres Strait Islander Commission, the Aboriginal and Torres Strait Islander Social Justice Commissioner, the Secretariat of National Aboriginal and Islander Child Care and the National Aboriginal and Islander Legal Services Secretariat national legislation establishing a framework for negotiations at community and regional levels for the implementation of self-determination in relation to the well-being of Indigenous children and young people (national framework legislation).

Recommendation 43b: That the national framework legislation adopt the following principles.

1. That the Act binds the Commonwealth and every State and Territory Government.

2. That within the parameters of the Act Indigenous communities are free to formulate and negotiate an agreement on measures best suited to their individual needs concerning children, young people and families.

3. That negotiated agreements will be open to revision by negotiation.

4. That every Indigenous community is entitled to adequate funding and other resources to enable it to support and provide for families and children and to ensure that the removal of children is the option of last resort.

136 Ibidem, p 491.

137 Review statistics of removal of Aboriginal children and young people from their families.
5. That the human rights of Indigenous children will be ensured.

Recommendation 43c: That the national framework legislation authorise negotiations with Indigenous communities that so desire on any or all of the following matters,

1. the transfer of legal jurisdiction in relation to children’s welfare, care and protection, adoption and/or juvenile justice to an Indigenous community, region or representative organisation,

2. the transfer of police, judicial and/or departmental functions to an Indigenous community, region or representative organisation,

3. the relationship between the community, region or representative organisation and the police, court system and/or administration of the State or Territory on matters relating to children, young people and families including, where desired by the Indigenous community, region or representative organisation, policy and program development and the sharing of jurisdiction, and/or

4. the funding and other resourcing of programs and strategies developed or agreed to by the community, region or representative organisation in relation to children, young people and families.”

Recommendation 43 on self-determination has not been yet achieved.

Even though, Recommendation 43 has not been implemented many steps towards the recognition of the self-determination of Aboriginal and Torres Strait Islander peoples have been achieved across Australia and SA.

The Australian Government expressed its support for the United Nations Declaration on the Rights of Indigenous Peoples in 2009. The Declaration contains Art. 3 and Art. 4 which specifically relate to the right to self-determination for Aboriginal and Torres Strait Islander peoples.

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Another example of the Government working towards the implementation of Recommendation 43 is the commencement of the discussions about a Treaty in SA. Treaty Commissioner Dr Roger Thomas is leading the process.\(^{140}\)

### 3.44. National standards for Indigenous children.

“Recommendation 44: That the Council of Australian Governments negotiate with the Aboriginal and Torres Strait Islander Commission, the Aboriginal and Torres Strait Islander Social Justice Commissioner, the Secretariat of National Aboriginal and Islander Child Care and the National Aboriginal and Islander Legal Services Secretariat national legislation binding on all levels of government and on Indigenous communities, regions or representative organisations which take legal jurisdiction for Indigenous children establishing minimum standards of treatment for all Indigenous children (national standards legislation).”

Recommendation 44 relates to a set of national minimum standards for Aboriginal children. This has been implemented in SA and across Australia. Even though the legislation passes those recommendations, some facts show that these recommendations have not been implemented in full. It has been considered that on all of these national minimum standards legislation, SA was operating at a higher level and wished to continue to do so.

In the following recommendations/standards is specified information related to each issue detailed in the recommendations contained in the BTH report.

### 3.45. National standards for Indigenous children under State, Territory or shared jurisdiction.

“Recommendation 45a: That the national standards legislation include the standards recommended below for Indigenous children under State or Territory jurisdiction or shared jurisdiction.

Recommendation 45b: That the negotiations for national standards legislation develop a framework for the accreditation of Indigenous organisations for the purpose of performing functions prescribed by the standards.”\(^{141}\)

Recommendation 45 has been implemented in SA and Australia.

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\(^{140}\) Please go to [statedevelopment.sa.gov.au/treaty](http://statedevelopment.sa.gov.au/treaty) for further information and details about how to get involved.

3.46. **Standard 1: Best interests of the child - factors**

“Recommendation 46a: That the national standards legislation provide that the initial presumption is that the best interest of the child is to remain within his or her Indigenous family, community and culture.

Recommendation 46b: That the national standards legislation provide that in determining the best interests of an Indigenous child the decision maker must also consider,

1. the need of the child to maintain contact with his or her Indigenous family, community and culture,

2. the significance of the child’s Indigenous heritage for his or her future well-being,

3. the views of the child and his or her family, and

4. the advice of the appropriate accredited Indigenous organisation.”

Recommendation 46/Standard 1 has been implemented in the outcome 5 content in the ‘Protecting Children is Everyone’s Business. National Framework for Protecting Australia’s Children 2009-2020’ report.

3.47. **Standard 2: When best interests are paramount**

“Recommendation 47: That the national standards legislation provide that in any judicial or administrative decision affecting the care and protection, adoption or residence of an Indigenous child the best interest of the child is the paramount consideration.”

Recommendation 47/Standard 2 was also implemented in SA and across Australia. As it is mentioned in the ‘Protecting Children is Everyone’s Business. National Framework for Protecting Australia’s Children 2009-2020’ report:

“The best interests and safety of a child are paramount. Where Aboriginal and Torres Strait Islander children cannot remain safely in the care of their

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142 *Ibidem*, p 514.


parents or community, timely and culturally appropriate responses for their
care protection and nurture are needed.”

3.48. **Standard 3: When other factors apply**

“Recommendation 48: That the national standards legislation provide that
removal of Indigenous children from their families and communities by the
juvenile justice system, including for the purposes of arrest, remand in
custody or sentence, is to be a last resort. An Indigenous child is not to be
removed from his or her family and community unless the danger to the
community as a whole outweighs the desirability of retaining the child in his
or her family and community.”

Recommendation 48/Standard 3 has been implemented in South Australia
and Australia. Even though the Australian youth justice system is based in
state and territory legislation which considers detention of youth people as a
last resort, the statistics on the overrepresentation of Aboriginal children in
detention is one of the biggest problems related to Aboriginal communities
across Australia. Despite making up less than three per cent of the overall
Australian population, Aboriginal and Torres Strait Islander peoples make
up 40% of those imprisoned for assault offences.

According to the most recent statistics, Aboriginal children are 26 times
more likely to be in detention than non-Aboriginal children. In December
2016, 55% of all young people in detention were Aboriginal or Torres Strait
Islander.

In SA, Aboriginal and Torres Strait Islander young people constitute 4% of
the population aged 10-17 but made up 50% of those aged 10-17 under
youth supervision on an average day in 2015-2016.

Australia will lose a whole generation of Aboriginal and Torres Strait
Islander peoples, if the Australian Government do not take better measures

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Protecting Australia’s Children 2009-2020’, p. 28. See further information:
146 Bringing them home: Report of the National Inquiry into the Separation of Aboriginal and Torres Strait
514.
147 Australian Government, Australian Institute of Health and Welfare, Youth detention population in Australia
2016, Bulletin 138, December 2016, p. 2. Document available online:
148 Australian Government, Australian Institute of Health and Welfare, South Australia:overview of youth
justice supervision in 2015-16, youth justice fact sheet no. 79, p. 2. Document available online:
regarding the incarceration of Aboriginal children aged between 10-17 years. The implementation of the ‘Beijing Rules’ regarding the equation of the Australian minimum age of criminal responsibility to the International minimum age of criminal responsibility from 10\textsuperscript{149} to 12 years would improve the current overrepresentation of children in detention\textsuperscript{150}.

3.49. **Standard 4: Involvement of accredited Indigenous organisations**

“Recommendation 49: That the national standards legislation provide that in any matter concerning a child the decision maker must ascertain whether the child is an Indigenous child and in every matter concerning an Indigenous child ensure that the appropriate accredited Indigenous organisation is consulted thoroughly and in good faith. In care and protection matters that organisation must be involved in all decision making from the point of notification and at each stage of decision making thereafter including whether and if so on what grounds to seek a court order. In juvenile justice matters that organisation must be involved in all decisions at every stage including decisions about pre-trial diversion, admission to bail and conditions of bail.”\textsuperscript{151}

Recommendation 49/Standard 4 has been also implemented in SA and across Australia throughout the outcome 5 from the ‘Protecting Children is Everyone’s Business. National Framework for Protecting Australia’s Children 2009-2020’ report\textsuperscript{152}.

3.50. **Standard 5: Judicial decision making**

“Recommendation 50: That the national standards legislation provide that in any matter concerning a child the court must ascertain whether the child is an Indigenous child and, in every case involving an Indigenous child, ensure that the child is separately represented by a representative of the child’s


choosing or, where the child is incapable of choosing a representative, by the appropriate accredited Indigenous organisation.”


3.51. **Standard 6: Indigenous child placement principle**

“Recommendation 51a: That the national standards legislation provide that, when an Indigenous child must be removed from his or her family, including for the purpose of adoption, the placement of the child, whether temporary or permanent, is to be made in accordance with the Indigenous Child Placement Principle.

Recommendation 51b: Placement is to be made according to the following order of preference,

1. placement with a member of the child’s family (as defined by local custom and practice) in the correct relationship to the child in accordance with Aboriginal or Torres Strait Islander law,

2. placement with a member of the child’s community in a relationship of responsibility for the child according to local custom and practice,

3. placement with another member of the child’s community,

4. placement with another Indigenous carer.

Recommendation 51c: The preferred placement may be displaced where,

1. that placement would be detrimental to the child’s best interests,

2. the child objects to that placement, or

3. no carer in the preferred category is available.

Recommendation 51d: Where placement is with a non-Indigenous carer the following principles must determine the choice of carer,

1. family reunion is a primary objective,

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2. continuing contact with the child’s Indigenous family, community and culture must be ensured, and

3. the carer must live in proximity to the child’s Indigenous family and community.

Recommendation 51e: No placement of an Indigenous child is to be made except on the advice and with the recommendation of the appropriate accredited Indigenous organisation. Where the parents or the child disagree with the recommendation of the appropriate accredited Indigenous organisation, the court must determine the best interests of the child.”


3.52. Standard 7: Adoption a last resort

“Recommendation 52: That the national standards legislation provide that an order for adoption of an Indigenous child is not to be made unless adoption is in the best interests of the child and that adoption of an Indigenous child be an open adoption unless the court or other decision maker is satisfied that an open adoption would not be in the best interests of the child. The terms of an open adoption order should remain reviewable at any time at the instance of any party.”


3.53. Standard 8: Juvenile justice

“Recommendation 53a: That the national standards legislation incorporate the following rules to be followed in every matter involving an Indigenous child or young person.

Recommendation 53b: That the national standards legislation provide that evidence obtained in breach of any of the following rules is to be inadmissible against the child or young person except at the instance of the child or young person himself or herself.

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Rule 1. Warnings

Arrest and charge are actions of last resort. Subject to Rule 2, a police officer is to issue a warning, without charge, to a child or young person reasonably suspected of having committed an offence without requiring the child or young person to admit the offence and without imposing any penalty or obligation on the child or young person as a condition of issuing the warning.

Rule 2. Summons, attendance notice

A child or young person may be charged with an offence when the alleged offence is an indictable offence. The charging officer must secure the suspect’s attendance at the court hearing in relation to the charge by issuing a summons or attendance notice unless the officer has a reasonable belief that the suspect is about to commit a further indictable offence or, due to the suspect’s previous conduct, that the suspect may not comply with a summons or attendance notice.

Rule 3. Notification

When a child or young person has been arrested or detained the responsible officer must notify the appropriate accredited Indigenous organisation immediately of the fact of the arrest and make arrangements for the attendance of a representative of that organisation.

Rule 4. Consultation

The responsible officer, in accordance with Standard 4, must consult thoroughly and in good faith with the appropriate accredited Indigenous organisation as to the appropriate means of dealing with every child or young person who has been arrested or detained.

Rule 5. Interrogation

No suspect or witness is to be interviewed in relation to an alleged offence unless,

a. a parent or person responsible for the suspect or witness is present, unless the suspect or witness refuses to be interviewed in the presence of such a person or such a person is not reasonably available,

b. a legal adviser chosen by the suspect or witness or, where he or she is not capable of choosing a legal adviser, a representative of the appropriate accredited Indigenous organisation is present, and

c. an interpreter is present in every case in which the suspect or witness does not speak English as a first language.
Rule 6. Caution

No suspect or witness is to be interviewed in relation to an alleged offence unless,

a. the caution has been explained in private to the suspect or witness by his or her legal adviser or representative,

b. the interviewing officer has satisfied himself or herself that the suspect or witness understands the caution, and

c. the suspect or witness freely consents to be interviewed.

Rule 7. Withdrawal of consent

The interview is to be immediately discontinued when the suspect or witness has withdrawn his or her consent.

Rule 8. Recording

Every interview must be recorded on audio tape or audiovisual tape. The tape must include the pre-interview discussions between the suspect or witness and the interviewing officer in which the officer must satisfy himself or herself that the suspect or witness understands the caution and freely consents to be interviewed.

Rule 9. Bail

Unconditional bail is a right. The right to bail without conditions can only be varied where conditions are reasonably believed due to the suspect’s past conduct to be necessary to ensure the suspect will attend court as notified. The right to bail can only be withdrawn where it is reasonably believed, due to the nature of the alleged offence or because of threats having been made by the suspect, that remand in custody is necessary in the interests of the community as a whole.

Rule 10. Bail review

The suspect has a right to have the imposition of bail conditions or the refusal of bail reviewed by a senior police officer. In every case in which the senior officer refuses to release the suspect on bail, the officer must immediately notify a magistrate, bail justice or other authorised independent person who is to conduct a bail hearing forthwith. The suspect is to be represented at that hearing by a legal adviser of his or her choice or, where incapable of choosing, by a representative of the appropriate accredited Indigenous organisation.

Rule 11. Bail hostels

When bail has been refused the suspect is to be remanded in the custody of an Indigenous bail hostel, group home or private home
administered by the appropriate accredited Indigenous organisation unless this option is not available in the locality.

Rule 12. Detention in police cells

No suspect is to be confined in police cells except in extraordinary and unforeseen circumstances which prevent the utilisation of alternatives. Every suspect confined in police cells overnight is to be accompanied by an Indigenous person in a relationship of responsibility to the suspect.

Rule 13. Non-custodial sentences

Custodial sentences are an option of last resort. Every child or young person convicted of an offence who, in accordance with Rule 14 cannot be dismissed without sentence, is to be sentenced to a non-custodial program administered by the appropriate accredited Indigenous organisation or by an Indigenous community willing to accept the child. The child’s consent to be dealt with in this way is required. The selection of the appropriate program is to be made on the advice of the appropriate accredited Indigenous organisation and, where possible, the child’s family.

Rule 14. Sentencing factors

The sentencer must take into account,

a. the best interests of the child or young person,

b. the wishes of the child or young person’s family and community,

c. the advice of the appropriate accredited Indigenous organisation,

d. the principle that Indigenous children are not to be removed from their families and communities except in extraordinary circumstances, and

e. Standard 3.

Rule 15. Custodial sentences

Where the sentencer, having taken into account all of the factors stipulated in Rule 14, determines that a custodial sentence is necessary, the sentence must be for the shortest appropriate period of time and the sentencer must provide its reasons in writing to the State or Territory Attorney General and the appropriate accredited
Indigenous organisation. No child or young person is to be given an indeterminate custodial sentence or a mandatory sentence.”  

Recommendation 53/Standard 8 has been partially implemented in SA and across Australia as some of the Rules contained in the recommendation are not fully implemented.

The legislation has been developed but it has not been implemented as many of the horrible cases mentioned above demonstrate.

3.54. **Family Law.**

“Recommendation 54: That the *Family Law Act 1975* (Cth) be amended by,

1. including in section 60B(2) a new paragraph (ba) ‘children of Indigenous origins have a right, in community with the other members of their group, to enjoy their own culture, profess and practice their own religion, and use their own language’, and

2. replacing in section 68F(2)(f) the phrase ‘any need’ with the phrase ‘the need of every Aboriginal and Torres Strait Islander child’.”  

Recommendation 54 was implemented for the Federal Government of Australia.

The *Family Act 1975* (Cth), section 60B (3) was amended to incorporate the specifications required by Recommendation 54 (1). Regarding Recommendation 54 (2), the Federal Government of Australia replaced the phrase where it appeared in section 68F of *Family Law Act 1975* (Cth) as recommended and State Governments of Australia also replaced this section in South Australia’s jurisdictions.

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160 *Ibidem*, p 524.


162 South Australia replaces section 68F.
4. RECOMMENDATIONS YET TO BE ADDRESSED

This report has sought to analyse all the recommendations of the BTH report to identify which have been implemented by Australian Governments, and which have not.

In this section of the report Reconciliation SA has drawn together and directed focus on the “non-implemented recommendations” in order to make it clear that their promised implementation has not been honoured. Reconciliation SA intends to continue to promote this list with the aim that Federal and South Australian Governments will recognise that they should be implemented as a high priority in this 20th anniversary year.

Reconciliation SA found that 9 out of 54 recommendations have not been implemented in South Australia or across Australia. This research also found that 23 out of 54 recommendations have been partially implemented in South Australia or that there is progress being made towards the implementation of sections of the recommendations. In comparison, 26 recommendations have been partially implemented across Australia. Finally, there are 21 recommendations that have been considered as fully implemented within South Australia. However, there are serious issues to consider surrounding some of those recommendations. Nationally, only 19 recommendations have been implemented across Australia.

Considering that after two decades the majority of the recommendations have not been implemented in full across Australia, it is urgent to take this anniversary as a time to take action towards the injustices, disadvantage and intergenerational trauma still endured by members of the Stolen Generations.

After twenty years since the Bringing them home report, Reconciliation SA believes that it is necessary to prioritise the implementation of those recommendations as well as supporting the work that is being done towards those recommendations partially implemented.

Three of the major issues described in this report are fundamental to tackling the effects of the non-implementation of the 54 recommendations twenty years on in South Australia and across Australia.

Primarily, the lack of consistent audit and evaluation is one of the main reasons that, after twenty years, many of the recommendations have still not been implemented. This report aims to be the resource to focus the
implementation of those recommendations. However, it is necessary to establish and provide funding to a working group to ensure the evaluation of the recommendations in the future.

Secondly, there is still unfinished business regarding the guarantees against repetition. The unacceptable overrepresentation of Aboriginal and Torres Strait Islander children in youth justice facilities or prisons is a reality that needs to be addressed. The lack of funding of justice reinvestment programs and the funding of inappropriate programs is not ensuring the next generation of Aboriginal and Torres Strait Islander peoples. Reconciliation SA urges the State and Federal Governments to develop a State and National plan of action before the end of the year.

Thirdly, there is still a great need to provide the opportunity, resources and funding for people who have not yet recorded their stories to do so. Records that must be preserved and protected in a culturally appropriate manner. Access to records is currently determined by the agency responsible for the records, this means that the responsible agency is accountable for determining whether their records should be openly available or subject to access restrictions. This measure should be closely reconsidered for every specific case.

It is time for State and Federal Governments to show leadership on these urgent priorities. The 20th anniversary of the BTH report provides the momentum to continue the journey of “truth, justice and reconciliation” that began in 1991 with the Royal Commission into Aboriginal Deaths in Custody and continued with cessation of the Council for Aboriginal Reconciliation in the same year. In 1997, the publication of the BTH report marked another milestone in this journey that eleven years later the National Apology by Kevin Rudd consecrated. The journey of reconciliation is still ongoing.
5. APPENDIX 1.

20 Years Since Bringing them home.

Reconciliation SA presents a 2017 scorecard for South Australia against the 54 recommendations of the “Bringing them home” report.

<table>
<thead>
<tr>
<th>Implemented in Full</th>
<th>Partially Implemented</th>
<th>Not Implemented</th>
<th>Other</th>
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<tbody>
<tr>
<td>21</td>
<td>23</td>
<td>9</td>
<td>1</td>
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</table>

Reconciliation SA commends the SA government for implementing more recommendations in full, including the reparations, since our 2011 “Still Work To Be Done” Scorecard.

Reconciliation SA supports “Truth, Justice and Healing” and wants to see more action by Governments and the community on:

- Justice Reinvestment
- Reducing the numbers of Aboriginal Children in Out of Home Care
- Community Education
- Supporting Stolen Generation organisations.

To see Reconciliation SA’s full report and our analysis visit:
http://www.reconciliationsa.org.au/20-years-since-bringing-them-home

20 Years Since Bringing them home.

Estimate of implementation across Australia:

<table>
<thead>
<tr>
<th>Implemented in Full</th>
<th>Partially Implemented</th>
<th>Not Implemented</th>
<th>Other</th>
</tr>
</thead>
<tbody>
<tr>
<td>19</td>
<td>26</td>
<td>9</td>
<td>0</td>
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</tbody>
</table>

Reconciliation SA has consulted with some key advisors, including Frank Lampard (Commissioner of Aboriginal Engagement), Christine Egan (Chairperson, SA Stolen Generation Aboriginal Corporation) and Andrew Wilson (Senior Aboriginal Access Officer, State Records of South Australia), to assess the current state of play of the 54 recommendations, noting that:

- They are being read in today’s context even though written in yesterday’s language.
- These are our best subjective estimates of the recommendations.
- They are open for discussion and change.

To see Reconciliation SA’s full report and our analysis visit:
http://www.reconciliationsa.org.au/20-years-since-bringing-them-home
6. APPENDIX 2.

**THERE IS STILL WORK TO BE DONE**

The Bringing Them Home report (1997) arose from the National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from Their Families (Stolen Generations).

Only one recommendation in that report related to the National Apology to the members of the Stolen Generations delivered by the then Prime Minister Kevin Rudd in 2008.

The report had 54 recommendations in total that can be summarised as follows:

**54 RECOMMENDATIONS: 8 THEMES**

- Reparation
- Rehabilitation
- Education and Training
- Family Tracing and Reunion
- Guarantees against repetition
- Acknowledgement and Apology
- Issues of contemporary separation
- Consultation, monitoring and coordination

**RECOMMENDATIONS ENACTED**

Reconciliation SA has spoken to some key people from the Stolen Generations and as a result believes that for SA at this time; only 5 recommendations have been fully acted upon.

<table>
<thead>
<tr>
<th>No.</th>
<th>Recommendation</th>
</tr>
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<tbody>
<tr>
<td>5(a)</td>
<td>SA Parliament acknowledges and offers official apology to Aboriginal people in wider community.</td>
</tr>
<tr>
<td>7</td>
<td>Sorry day to be celebrated annually for commemoration of forcibly removed Aboriginal people and their families.</td>
</tr>
</tbody>
</table>
No. 11 | Funding for family reunion workers for SA - LINK UP.

No. 13 | Aboriginal organisations assisting forcibly removed Aboriginal people are recognised as Aboriginal communities for certifying descent from the Aboriginal people of Australia.

No.27 | Set up of Aboriginal Family Information Service with an Aboriginal person as a designated contact officer.

For more info P.T.O

UNFINISHED BUSINESS

Reconciliation SA's view is that this leaves 48 recommendations that have not been implemented at all or only partly implemented in SA. These can be summarised as follows:

<table>
<thead>
<tr>
<th>THEMES</th>
<th>NO OF RECOMMENDATIONS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Reparation</td>
<td>15</td>
</tr>
<tr>
<td>Rehabilitation</td>
<td>17</td>
</tr>
<tr>
<td>Education and Training</td>
<td>3</td>
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<tr>
<td>Family Tracing and Reunion</td>
<td>7</td>
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<tr>
<td>Guarantees against repetition</td>
<td>3</td>
</tr>
<tr>
<td>Acknowledgement and Apology</td>
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<tr>
<td>Issues of contemporary separation</td>
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<tr>
<td>Consultation, monitoring and coordination</td>
<td>2</td>
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(Adapted from National Sorry Day Committee website, www.nsdc.org.au as at 08.02.12)
• 10 recommendations (recommendations 44-53) relate to the establishment of minimum standards in juvenile justice, child welfare and adoption which are not supported by the SA government (2003). Reconciliation SA supports the view that these recommendations should not be implemented in SA.

• Recommendation 26 relates solely to NT, so is not applicable to SA.

Reconciliation SA’s believes that there has been no audit of the recommendations since 2003.

The following questions remain:

Which Australian or State Government Ministers are accountable for the implementation of the Bringing Them Home report recommendations?

Which agency is implementing the recommendations and holding relevant government and non-government agencies accountable?

Which reporting body will see that the work has been done?

If there is one, then is there a representation from Stolen Generations on this reporting body?

When will this unfinished business be completed?

The report was delivered 15 years ago and only 5 recommendations (some of them purely symbolic) have been implemented. A timeframe must be placed on these recommendations. Will Australian and State Government identify its timeframe?

This hand out is the position of Reconciliation SA as of 09.02.12 in relation to the 54 recommendations of Bringing Them Home report. If you want to see the recommendations in full and the source analysis for this information sheet, please contact Reconciliation SA at reconciliationsa@adam.com.au
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SA Treaty Commissioner- Department of State Development of SA.

 stataedevlopment.sa.gov.au/treaty
RECONCILIATION SOUTH AUSTRALIA

Reconciliation South Australia Incorporated is a not-for-profit organisation with a major focus on encouraging the people’s movement for reconciliation at a State level after the cessation of the Council for Aboriginal Reconciliation.

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