

The Stolen Generation: The Government's Late Apology to Indigenous Australians

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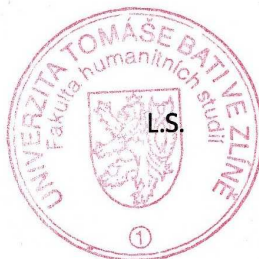
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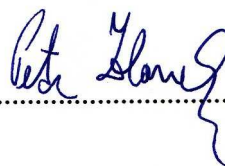
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ABSTRAKT

Tato práce se zaměřuje na osudy takzvané “Ukradené generace” domorodých austrálců. Zabývá se omluvou podanou australskou vládou v roce 2008 a důvody, proč předchozí vlády omluvu odmítly. Dále pak zkoumá, zda-li byla omluva opodstatněná a možné následky, které může omluva přivodit, zejména pak finanční odškodnění.

Klíčová slova: Ukradená generace, domorodý, Australan, Australský, míšenec, odloučený, vláda, odškodnění

ABSTRACT

This work concentrates on the destiny of the so called “Stolen Generations” of Indigenous Australians. It covers the apology delivered to Indigenous Australians by the government in 2008, and reasons why previous governments refused to apologize. Then the work analyzes whether the apology was well-founded and possible consequences that the apology may bring, especially monetary compensation.

Keywords: stolen generation, Aboriginal, Indigenous, Australian, half-caste, removed, government, compensation

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Petr Zlomek

DECLARATION OF ORIGINALITY

I hereby declare that the work presented in this thesis is my own and certify that any secondary material used has been acknowledged in the text and listed in the bibliography.

May 7, 2010

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INTRODUCTION

Until 1970' children of Indigenous Australians with semi-Aboriginal parentage were being forcibly removed from their families into church-run missions, institutions or foster families in order to be raised as non-Indigenous for the purpose of interbreeding them with 'white' Australians. These children are referred to as members of the Stolen Generations.

In February 2008 an official apology for the removal and mistreatment of the children was finally delivered by the federal government. The Prime Minister ruled out monetary compensation; however, he stressed the government wants to invest money into improving living conditions, closing the life expectancy gap and halving mortality of Indigenous children.

Nowadays, a great number of people still deny the existence of the Stolen Generations and in contrast Indigenous peoples struggle to gain some kind of reparation for the injustice of which they were victims. The government refuses to pay out monetary compensation and, moreover, the help from the Australian government is not unconditional either.

The thesis examines why previous governments had not delivered an apology, whether removed Indigenous peoples deserved the apology and what the government has done to the benefit of members of the Stolen Generations and whole Aboriginal community since the apology was delivered.

1 THE STOLEN GENERATIONS

From 1869¹ up to 1975 (according to the Stolen Generation Compensation bill prior to 31st December 1975) children of Indigenous Australians, Tasmanians and Torres Strait Islanders were being taken away from their families and brought to missions or later to foster families to provide them education and “get their Aboriginality out of them”. Authorities were focusing on children of mixed blood (one of their parents was white). These children, called “half-caste“, were believed to assimilate into white society more easily than pure Aborigines. For this reason children of lighter skin were removed from their families while their darker skinned siblings were not. These children removed on the basis of their race are now called the members of the Stolen Generations. The government’s aim was to exterminate Aborigines completely by interbreeding them with white people, resulting in Australia being a purely white continent.

As Brisbane’s *Telegraph* newspaper reported in May 1937: “Mr Neville [the Chief Protector of WA] holds the view that within one hundred years the pure black will be extinct. But the half-caste problem is increasing every year. Therefore their idea is to keep the pure blacks segregated and absorb the half-castes into the white population. Perhaps it will take one hundred years, perhaps longer, but the race is dying.”²

1.1 The Real Purpose

Extermination of Indigenous Australians was the intention hidden under the claim that the Aboriginal parents were unable to care properly for their children and would have a better future if they grow up in white families. Another concern of the government was that half-casted children would not assimilate into Aboriginal nor non-Indigenous society. Methods how children were separated from their families and their fates are described in *Bringing Them Home Report*, released in May 2007.

¹ “Stolen Generation timeline,” <http://www.creativespirits.info/aboriginalculture/politics/stolen-generations-timeline.html> (accessed October 12, 2009)

² Healey Justin., 2009, 10.

*"I was at the post office with my Mum and Auntie (and cousin). They put us in the police (vehicle) and said they were taking us to Broome. They put the mums in there as well. But when we'd gone (about ten miles) they stopped, and threw the mothers out of the car. We jumped on our mothers' backs, crying, trying not to be left behind. But the policemen pulled us off and threw us back in the car. They pushed the mothers away and drove off, while our mothers were chasing the car, running and crying after us."*³

³ "Bringing them home: National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from Their Families," http://www.humanrights.gov.au/social_justice/bth_report/report/index.html (accessed October 12, 2009)

2 “BREEDING OUT THE COLOUR”

“Breeding out the colour” was a program which brought in strict rules concerning interbreeding people. The program involved the ban of mating Aboriginal people with half-castes, the encouragement of marriage between half-castes and white Australians and also the removal of half-castes from their families. The program was implemented by the Chief Protector of Aborigines in Western Australia A.O. Neville and Dr. Cecil Cook, the Chief Protector of Aborigines in Northern Territory on the base of the Act 1936.

2.1 Native Administration Act 1936

*“12. The Minister may cause any native to be removed to and kept within the boundaries of a reserve, district, institution, or hospital, or to be removed from one reserve, district, institution, or hospital to another reserve, district, institution, or hospital, and kept therein. Any native who shall refuse to be so removed to or kept within such reserve, district, institution, or hospital shall be guilty of an offence against this Act.”*⁴

2.2 Proofs of Racial Policies

Cook stated in 1933 that he made an effort *“to breed out the colour by elevating female half-castes to white standard with a view to their absorption into the white population”*⁵. Neville stated in 1937 that if such a scheme was put into practice we could *“eventually forget that there were any Aborigines in Australia”*⁶.

⁴ “Native Administration Act 1936,”

http://asset0.aiatsis.gov.au/webclient/StreamGate?folder_id=0&dvs=1272361356614~630 (accessed April 2, 2010)

⁵ “Flawed history keeps myth alive about the Stolen Generations,”

<http://www.theaustralian.com.au/news/features/flawed-history-keeps-myth-alive-about-the-stolen-generations/story-e6frg6z6-1225824632357> (accessed April 28, 2010)

⁶ Ibid

A Western Australian advocate of absorption, Dr Cyril Bryant, stated, “*the continued infiltration of white blood will finally stamp out the black colour, which, when all is said and done, is what we object to*”.⁷

2.2.1 Aborigines Protection Act 1909

“14. The board may cause any aborigines, or any persons apparently having an admixture of aboriginal blood in their veins, who are camped or are about to camp within or near any reserve, town, or township to remove to such distance from the reserve, town, or township as they may direct.”⁸

⁷“Breed out the Colour' or the Importance of Being White” http://eprints.jcu.edu.au/458/1/mcgregor_2.pdf (accessed April 28, 2010)

⁸ Aborigines Protection Act 1909., ACT No. XXV., 1909.
<http://www.caught-in-the-act.kathystavrou.net/1909-ab.-prot.-act.html> (accessed April 28, 2010)

3 CHILDREN SEPARATED

Indigenous children were forcibly taken far away from their hometowns and never did they have a chance to return home, to see their friends nor families, not even to be in touch with their relatives. Although children wrote letters for their families, the authorities never sent the letters out, nor did they give children any correspondence from their relatives. Mothers forever lost their beloved children and children never had the opportunity to feel parental love and affection again. Even if several siblings were taken from their parents, later on the authorities deliberately separated them again, as described in the following testament:

“A few years later, government policy changed. Now the children would be handed over to the missions to be cared for by the churches. But which church would care for them? The kids were simply told to line up in three lines. Those on the left were told that they had become Catholics, those in the middle Methodists and those on the right Church of England... And families had been broken up for a second time. “⁹

3.1 Testaments:

“He yelled out to me, "Get inside!" And the next minute, he just belted me. He yelled and had this fence wire and just belted me across my legs and I doubled up. Today, I still wear marks here on the top of my legs 'cause I was doubling up trying to protect myself. And the elder...elder girl, she was about 10, and I could hear the girl calling, "Give it to her, Daddy! Give it to the nigger!"

And the next minute, he yells out to me, he said, "Valerie, get in here." He said, "You didn't do the girls' room properly." And that's... I went into the girls' room and then that's when he raped me. He just threw me on the bed and just raped me.

That night, when he was belting me with the fence wire, I just couldn't put up with it anymore. I just ran out into the paddock and I slept there all night, shaking. And the next

⁹ “Apology to Australia’s Indigenous Peoples,” http://www.aph.gov.au/house/rudd_speech.pdf (accessed October 12, 2009)

morning, I thought I'd not get myself into trouble, just come back to the house and start to clean his shoes.“¹⁰ – Valerie Linow

*“I've seen girls naked, strapped to chairs and whipped. We've all been through the locking up period, locked in dark rooms. I had a problem of fainting when I was growing up and I got belted every time I fainted and this is belted, not just on the hands or nothing. I've seen my sister dragged by the hair into those block rooms and belted because she's trying to protect me ... **How could this be for my own good? Please tell me.**“¹¹*

3.2 Consequences

Stolen children can carry consequences all their life. After what they experienced when being removed, many of them often suffered and some still suffer from depressions, anxiety and posttraumatic stress. Yet this was only a beginning of their ‘hell on earth’. The stolen children were placed in institutions or church missions; children with lighter skin were adopted or fostered by a white family. However, their life on the missions as well as in foster families was often appallingly tough. Those who were lucky and were sent to a kind family or an institution with sympathetic carers were missing ‘only’ affection. Nonetheless, a great number of children were socially neglected and mistreated, even psychologically, physically or sexually abused, in many cases girls giving birth under the age of 16. Even though authorities were to protect the children from being abused, they failed in their duty. Nearly a quarter of fostered or adopted children who gave their evidence in the *Bringing Them Home - Report of the National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from Their Families* reported they were physically abused and 20% reported being sexually abused. Children sent to institutions testify similar experiences, in numbers 17% were physically and 10% sexually abused.¹²

¹⁰ “Stolen Wages,” <http://www.abc.net.au/tv/rewind/txt/s1218259.htm> (accessed April 27, 2010)

¹¹ “Bringing them home: National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from Their Families,” http://www.humanrights.gov.au/social_justice/bth_report/report/index.html (accessed October 12, 2009)

¹² Healey Justin., 2009, 10.

3.3 Learning to Be “White”

The removed children were absolutely predetermined to become a part of ‘white society’. They were forced to abandon their aboriginality and be ashamed of their ancestry. If they got caught talking in their mother tongue, they were punished; they were not allowed to do anything that would remind them of the culture they were raised in.

Education was seldom provided to Indigenous children. While some of them received little education, the absolute majority were just working on farms: boys were learning to take care of livestock, girls were working in households. They were apprenticed between 14 and 18 years; however, the minimum age for being apprenticed was abolished in 1915¹³. Although they were not intended to become slaves, many never received any wages for their labour and were forced to work just for food.

3.4 Overall Number of Stolen Children

The number of stolen children is unknown because the formal records of removals were poorly kept and some were destroyed or lost. However, it is estimated that between 10% and 30% of all Indigenous Australian children (up to 50,000) were forcibly removed from their parents only counting the years 1910 to 1970. As some sources indicate, the overall number could be as high as 100,000 removed children and an even yet higher number of people affected by the removal.

People should not confuse the Stolen Generations with the policies which the government continues to apply today. These policies help children from underprivileged families and provide education with parental consent.

¹³ Australian Human Rights Commission. “Bringing them home: National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from Their Families,” http://www.humanrights.gov.au/social_justice/bth_report/report/index.html (accessed October 12, 2009)

4 PREVIOUS GOVERNMENTS DID NOT APOLOGIZED

Although the policies of children removals had officially finished in 1975, none of the following Prime Ministers took the courage to enforce a public apology to Indigenous Australians and Torres Strait Islanders until Kevin Rudd, who did so in 2008:

4.1 Edward Gough Whitlam

- Australian Labor Party, in office December 1972 - November 1975
- did attend Rudd's apology
- advocated land rights for Indigenous Australians and increased funding for Indigenous Australians' welfare

4.2 John Malcolm Fraser

- Liberal Party of Australia, in office November 1975 - March 1983
- did attend Rudd's apology
- legislated to give Aboriginals control of their traditional lands in the Northern Territory
- endeavoured to reconcile between Aboriginals and non-Indigenous Australians, anti-racism

4.3 Robert James Lee Hawke

- Australian Labor Party, in office March 1983 - December 1991
- did attend Rudd's apology
- Hawke's Labor Government established ATSIC (The Aboriginal and Torres Strait Islander Commission) /1990– 2004/ which was the Australian Government body through which aboriginal Australians were formally involved in the processes of government affecting their lives. A number of indigenous programs and organizations fell under the overall umbrella of ATSIC.

4.4 Paul John Keating

- Australian Labor Party, in office December 1991 – March 1996
- did attend Rudd's apology

- In his 'Redfern Speech' in December 1992 Paul Keating was encouraging non-Aboriginal Australians to imagine what Indigenous Australians had had to endure and experience and asked them to try living with Aborigines in harmony as they are all one nation.

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

It was our ignorance and our prejudice. And our failure to imagine these things being done to us... I think we are beginning to see how much we owe the indigenous Australians and how much we have lost by living so apart. I said we non-indigenous Australians should try to imagine the Aboriginal view."¹⁴

4.5 John Winston Howard

- Liberal Party of Australia, in office March 1996 – December 2007

- did not attend Rudd's apology

- 'Howard's denial of these historical realities is central to his political agenda. In his speech he again refused to countenance a formal apology, saying it would "only reinforce a culture of victimhood", and insisted that "the overwhelming balance sheet of Australian history is a positive one".'¹⁵

"I have never been willing to embrace a formal national apology, because I do not believe the current generation can accept responsibility for the deeds of earlier generations. And

¹⁴ "Paul Keating's Redfern Speech,"

<http://www.australianpolitics.com/executive/keating/92-12-10redfern-speech.shtml> (accessed October 10, 2009)

¹⁵ "Howard's Aboriginal 'reconciliation' pledge a cynical fraud,"

<http://www.sep.org.au/articles07/recon-1710.html> (accessed October 12, 2009)

there's always been a fundamental unwillingness to accept, in this debate, the difference between an expression of sorrow and an assumption of responsibility."¹⁶

Under the Howard Government the Commonwealth Parliament did not agree to a full apology but in 1999 the government expressed "*deep and sincere regret that Indigenous Australians suffered injustices under the practices of past generations, and for the hurt and trauma that many Indigenous people continue to feel as a consequence of those practices*".¹⁷

John Howard expressed his personal sorrow but stated: "*Australians of this generation should not be required to accept guilt and blame for past actions and policies over which they had no control.*"¹⁸

4.5.1 No Apology from Howard from Three Reasons

The following words are taken from an edited version of comments by former Prime Minister John Howard after his speech to the Kennedy School of Government at Harvard University, Cambridge, Massachusetts:¹⁹

- "*The first is that I do not believe, as a matter of principle, that one generation can accept responsibility for the acts of an earlier generation. I don't accept that as a matter of principle.*"
- "*My second was that the circumstances of the removal of Indigenous children were not uniform. In some cases, children were wrongly removed; in other cases, they were removed for good reason; in other cases, they were given up; and in other cases, the judgment on the removal is obscure or difficult to make.*"

¹⁶ Healey Justin., 2009, 4.

¹⁷ Parliamentary Debates. "Official Hansard," p.9205,
<http://www.aph.gov.au/Hansard/rep/dailys/dr260899.pdf> (accessed April 2, 2010)

¹⁸ Healey Justin., 2009, 4.

¹⁹ Ibid, 17.

- *“The third reason I expressed the view is that when you do something like that there is a psychological reaction that the Indigenous problems have been ‘ticked’, and the commitment to do practical things such as reducing the gap between the life expectancy of Indigenous Australians and other Australians – which is unacceptably high – and those sort of things are pushed into the background.”*

5 OFFICIAL APOLOGY DELIVERED

On 13th February 2008, two months after being sworn in as Prime Minister, Kevin Rudd delivered an official apology to Indigenous Australians who are nowadays called “Members of the Stolen Generation“, as he had promised before the parliamentary election. His speech was watched intently not only live on television, but also on a big screen in front of Parliament House in Canberra, where thousands of people had gathered to hear the historical apology. Many of the attendees wept as they were listening to the Prime Minister’s apology which showed how significant a step the apology was in the recognition of members of the Stolen Generations who suffered from the wrongful assimilation policy, in which they were deceptively removed or adopted without their parents’ consent.

Rudd apologized for former parliaments and governments’ laws and policies, and especially for breaking up families and communities. He designated the mistreatment of Indigenous Australians as a “blemished chapter” in their nation’s history and all together he said “sorry” three times:

“For the pain, suffering and hurt of these Stolen Generations, their descendants and for their families left behind, we say sorry.

To the mothers and the fathers, the brothers and the sisters, for the breaking up of families and communities, we say sorry.

*And for the indignity and degradation thus inflicted on a proud people and a proud culture, we say sorry.”*²⁰

Then Rudd expressed a hope in a future with no distinction in life expectancy, education and economic opportunities between Indigenous and non-Indigenous Australians and in the “future where all Australians, whatever their origins, are truly equal partners, with equal

²⁰ “Native Administration Act 1936,”

http://asset0.aiatsis.gov.au/webclient/StreamGate?folder_id=0&dvs=1272361356614~630 (accessed April 2, 2010)

*opportunities and with an equal stake in shaping the next chapter in the history of this great country, Australia.”*²¹

*“A national apology to the Stolen Generations and their families is a first, necessary step to move forward from the past,”*²² - Jenny Macklin - The Minister for Families, Housing, Community Services and Indigenous Affairs

5.1 Reactions to the Apology:

Public reactions to the apology vary. While all Indigenous Australians support an apology, non-Indigenous ones are not united in the issue. Some ‘white’ inhabitants of this continent even deny the existence of a stolen generation. Aboriginals are thankful for the apology which confirms that all the wrongs were really happening. However, they are aware that a mere apology and regret are not enough; there are many other things to be done to help Indigenous people to rise up from poverty and discrimination. Rudd government was also criticised by the federal opposition for prioritising an apology to the Aboriginal stolen generations, instead of tackling more pressing problems, such as rising petrol and grocery prices.

Further criticism towards the newly elected Prime Minister was expressed by Bronwyn Bishop /Liberal Party/, Shadow Minister for Veterans’ Affairs during Parliamentary Debate on the day preceding the formal apology. In her speech she spoke about Rudd being disrespectful to the members of the parliament:

*“The atmosphere in which this debate is taking place is a good example of what we can expect under the current government that has just come into power. I think that what we will be seeing is **dictator Rudd**, who, while taking the so-called moral high ground, has no*

²¹ Native Administration Act 1936,”

http://asset0.aiatsis.gov.au/webclient/StreamGate?folder_id=0&dvs=1272361356614~630 (accessed April 2, 2010)

²² “Stolen Generation to See Apology”,

<http://www.heraldsun.com.au/news/national/stolen-generation-to-see-apology/story-e6firf716-111115437531> (accessed March 30, 2010)

*concern at all for the wishes of the parliament and **no respect for members**. He has been elected on the basis of saying he wants more transparency, that he wants to be ‘the reasonable leader’ and that we are going to be sitting more days to have fuller and fairer debate and more accountability, but **it is all a facade; it is all a fake**. Coming into this parliament today we are told that the most important issue we have to deal with is the apology, when we see the great difficulties that the economy is in. He has chosen this occasion to do so – no matter what is said in this parliament and no matter what support is given – and **the nation is still divided**“²³*

Kevin Rudd, however, heard also positive attitudes from members of opposition. Neil Slipper as well as Judith Eleanor Moylan expressed their approval of the apology in their speeches in the House of Representatives on February 14, 2008. Moylan is even in favour of compensation for those who suffered: *“It was never a reasonable or fair argument to deny an apology for fear of consequences,”* she stated and continued, *“**Justice must be done to our Indigenous peoples, and if consequences follow then they must be faced up to.**”²⁴*

“A lot of people were critical of the apology, but I have to say that the Prime Minister announced his policy before the election and I am very much in favour of people delivering on their commitments to the Australian people. It is to the credit of the Prime Minister that he got elected and one of the first actions he took was to implement that campaign promise.”²⁵ stated Peter Neil Slipper from Liberal Party

²³ Parliamentary Debates. “Official Hansard,” p.121,
<http://www.aph.gov.au/Hansard/rep/dailys/dr120208.pdf> (accessed March 27, 2010)

²⁴ Parliamentary Debates. “Official Hansard,” p.446,
<http://www.aph.gov.au/Hansard/rep/dailys/dr140208.pdf> (accessed March 27, 2010)

²⁵ Parliamentary Debates. “Official Hansard,” p.446,
<http://www.aph.gov.au/Hansard/rep/dailys/dr140208.pdf> (accessed March 27, 2010)

5.1.1 Indigenous Australians' Reactions to the Apology²⁶

"I feel great. I'm on top of the world, I'm floating on air. It's a big weight off my shoulders. It's the closure I need. It's an apology not just for me, but for my mother and for my father and for my children who carry the burden and carry the weight of what happened to us stolen kids" — Archie Roach, 52, Aboriginal singer and songwriter and member of the Stolen Generations

"The apology will help to heal the scars but it will never heal my pain and hurt." — Mary Farrell-Hooker, 50, member of the Stolen Generations

"The word 'sorry' doesn't come near what [my father] went through. They can apologise in a thousand different ways without saying sorry. Actions speak louder than words." — Norman Stewart, son of a Stolen Generations member

"An apology will mean that people believe us, that this has happened and that we are not liars." — Cahill McCarthy, Stolen Generation member

"Blackfellas will get the words, the whitefellas will keep the money." — Noel Pearson, Aboriginal elder

5.1.2 Non-Indigenous Australians' Reactions to the Apology²⁷

"I was very encouraged to hear on the news about the apology [Mr Rudd] made in parliament to all Aborigines for laws and policies that 'inflicted profound grief, suffering and loss' upon them." — Dalai Lama

"If someone can prove to me that there were stolen generations, I could change my mind... The children in most cases were given up by parents or guardians who were unable to look

²⁶ 'Sorry' apology to Stolen Generations, "<http://www.creativespirits.info/aboriginalculture/politics/stolen-generations-sorry-apology.html> (accessed October 12, 2009)

²⁷ Ibid

after them.“ — Barbara Witte

“It was a mistake for us not to apologise to Aboriginal people.” — Tony Abbott, opposition spokesperson on Indigenous Affairs, about the Howard government

“Now I realise that [the apology] is not about black people or white people, it's really about families.” — a man talking to Gary Highland (National Director, ANTaR)

5.2 What Made Kevin Rudd Apologize

There are a couple of aspects which led Kevin Rudd to apologize to Indigenous Australians and Torres Strait Islanders. Both personal conviction of the existence of the Stolen Generation and political reasons played a role in his determined attitude towards this controversial issue.

Firstly, it could be a moral duty - Rudd's sincere personal desire to officially acknowledge the wrongful policy of the former governments. The cruel mistreatment committed to Aboriginal people had been publicly discussed long and Rudd could have felt compassion to Aborigines who were ignored by the Howard government. Although some Australian politicians still disputes the existence of a Stolen Generation, Rudd was firm in his decision to apologize.

Secondly, after decades of being still divided into Indigenous and non-Indigenous Australians, the public apology is to be a reconciliation between the inhabitants of the Australian continent. The apology is a gesture of good will, an effort to bring the split nation finally together and eliminate the cultural and residential segregation. Aborigines keep themselves in Indigenous communities away from non-Indigenous population; perhaps due to their fear of being discriminated. This reconciliation should help the traditional land owners to incorporate into Australian society more easily.

Thirdly, delivering the apology to Indigenous people could mean a political move. As a leader of opposition Rudd was supposed to make an opposite step than Howard did in the one of the most contentious issues. Public pressure must have played a certain role too

since the Stolen Generation issue had been being discussed for several years and nothing had changed since the problem had been introduced. Furthermore, by promising to deliver the apology to Indigenous Australians and Torres Strait Islanders Rudd gained thousands of electoral votes from Indigenous people as well as the apology supporters which undoubtedly helped Australian Labor Party to defeat Howard's Liberal Party of Australia.

5.3 What the Apology May Cause

Objectors of the apology claim that a reconciliation between Aboriginals and non-Indigenous Australians would cause more complications than benefits; for instance, decreasing the budget in the exchequer by disbursing compensations to people asking for money on account of their torment. Nevertheless, giving the apology brings also other important aspects:

a) By apologizing to Indigenous Australians and Torres Strait Islanders the Rudd government acknowledged the errors the Australian governments made during the first half of the twentieth century until the 1970's. This may convince people who have been sceptical about existence of so called 'Stolen Generation', which might be resulting in **giving Aboriginals new opportunities**, giving them a new lease of life. Perhaps Indigenous Australians find themselves motivated to enhance their personal qualities and gain a higher degree of education. This would reflect in a decrease in the unemployment among Indigenous peoples, which is as well known to be nearly three times higher than unemployment of non-Indigenous Australians.

b) Aboriginal history inherently belongs to the Australian one. However, learning about indigenous history has hitherto been rather neglected in Australian school as well as educational books. It is more than probable that Aboriginal culture and history will be paid **more attention in educational institutions and books** after delivering the apology which caused media and people to be more interested in the issue. Thanks to the media people could learn more about the destinies of Indigenous Australians and their stories which are worthy of being recorded. Australians should not forget what Aboriginals had had to undergo before they became equal fellow citizens. It is the apology which may assure that the torment of Indigenous Australians will not be forgotten forever.

c) As it has been mentioned above, many objectors of the apology are reluctant for the sake of possible **monetary compensation** which could be claimed by members of the Stolen Generation. Since there are thousands of members who could possibly demand financial compensation and the vision of 'easy money' is alluring, the government could easily be facing a significant growth of claimants.

d) On the other hand, supposing monetary compensation would be paid out to the members of the Stolen Generations, the scheme could cause a split in the Australian nation. A great number of Australians disapprove of the whole idea of compensation whose source would be taxpayers' money. This could result in quarrels among Australians followed by new ethnical segregation and the effort to reconcile the nation would be defeated.

However, winning compensation is not an easy process; the claimants need to substantiate their testimony. In this Valerie Linow was successful and in October 2002 she was the first member of the Stolen Generation who won monetary compensation for her cruel treatment. "The New South Wales Victims Compensation Tribunal awarded Valerie Linow \$35,000 for the sexual assault and violence she suffered while working as a domestic servant for a family when she was aged 16."²⁸

*"This decision validates the fact that the harm done to the stolen generations is worthy of compensation. It's set a precedent and it will give other people courage to do the same."*²⁹ said Valerie Linow.

Another victim of assimilation policy who won monetary compensation is Bruce Trevorrow who was awarded \$525,000 by the Supreme Court of South Australia in Adelaide in August 2007. Trevorrow then encouraged other members of the Stolen Generation to follow his lead in taking court action. "We've won a case ...But you can't put

²⁸ "First compensation win for the stolen generation,"
<http://www.theage.com.au/articles/2002/10/17/1034561266360.html> (accessed October 12, 2009)

²⁹ Ibid

*a value on what happened. You can't put a dollar sign on that. Most of my life has been lost to me,"*³⁰ said Trevorrow.

5.4 Stolen Generation Compensation Bill 2008

It is "A Bill for an Act to provide for ex gratia payments to be made to the Stolen Generation of Aboriginal children, and for related purposes", written by Senator Andrew Barlett. This bill determines who can be considered as a member of the Stolen Generation and what conditions they must fulfil in order to successfully obtain monetary compensation. In section 11 the bill states that The amount of an ex gratia payment in respect of an applicant referred to in subsection 5(3), is an amount not exceeding \$20,000 as common experience payment and \$3,000 for each year of institutionalisation.³¹

Nevertheless, "The Castan Centre for Human Rights Law at Monash University in Melbourne submits that the cap of \$20,000 is too low for those cases in which the harm suffered has had a tremendous impact on the mental and physical health of the claimant and his or her family."³² Furthermore, claimants have to prove they were at least partially removed by race-based policies. However, "The ease with which a government agency may claim the removal was based on 'welfare' and had nothing to do with race, places a difficult evidentiary burden upon the claimant."³³

*"The formal apology to the Stolen Generation was a wonderful and overdue action. But there is still unfinished business. It's way past time to properly right this wrong,"*³⁴ stated Senator Barlett.

³⁰ "The agony of Australia's Stolen Generation," <http://news.bbc.co.uk/2/hi/6937222.stm> (accessed February 18, 2010)

³¹ "Stolen Generation Compensation Bill 2008," <http://www.austlii.edu.au/au/legis/cth/bill/sgcb2008340/> (accessed October 11, 2009)

³² "Inquiry into the Stolen Generation Compensation Bill 2008," Monash University in Melbourne, <http://www.law.monash.edu.au/castancentre/publications/stolen-gen-comp-bill.pdf> (accessed October 12, 2009)

³³ Ibid

³⁴ "Stolen Generation Compensation Bill sent to Senate Committee," <http://andrewbartlett.com/?p=6446> (accessed April 27, 2010)

5.4.1 The Question of Compensation

The public attitude towards compensation is relatively definite, showing that 64% of the respondents did not support compensation according to a public poll carried out by Newspoll during 15th – 17th February 2008. The poll contained 1140 votes and thus it showed a rather determined answer to this issue; 17% of the respondents then somewhat supported, 13% strongly supported and 6% of the respondents were uncommitted.³⁵

Government has proven to be unyielding on its decision and continues to reject the compensation to the victims of the assimilation policy. As The Minister for Families, Housing, Community Services and Indigenous Affairs Jenny Macklin explains, money will be put into health and education schemes instead. *“The Australian Government has committed \$261 million to improving Indigenous kids’ health and early development. We have also committed an extra \$15 million towards counselling and helping the Stolen Generations reconnect with loved ones.”*³⁶, said the minister. According to her, *“The priority for the government is to give force to the apology by investing in measures that will close the life expectancy gap, and that’s where funding will go.”*³⁷

However, some Aborigine activists would prefer monetary compensation delivered to everyone who suffered from the removal. Therefore their enthusiasm for the new government is not that enormous since they are aware that making the apology does not mean their victory in the compensation issue. As one of the activists Sam Watson stated: *“Even though they’ve changed the saddle blankets we’re still dealing with the same horse”*.³⁸

³⁵ “Polls & Research,”

http://www.angus-reid.com/polls/view/australians_back_apology_for_stolen_generations/

³⁶ “Media release : Australian Government to Apologise to Members of the Stolen Generations,”

<http://www.anglicansrcwa.org/media/indigenous/018apology-government.pdf> (accessed March 2, 2010)

³⁷ “Stolen generation makes bid for \$1b compo,” <http://www.heraldsun.com.au/news/national/stolen-generation-makes-bid-for-1b-compo/story-e6frf716-111115260522> (accessed March 2, 2010)

³⁸ “No payout for ‘stolen’ Aborigines,” <http://news.bbc.co.uk/2/hi/asia-pacific/7175043.stm> (accessed October 14, 2009)

5.4.2 Previous Compensation Cases

In August 2000, the Federal Court in Darwin dismissed Lorna Cubillo and Kumanjai Gunner's trial in which they claimed monetary compensation for being removed. The court found that Gunner was removed with his mother's consent (although the document was undated and thumb printed instead of her signature; Gunner's mother could not even speak English³⁹) and that there were no documents proving Cubillo was removed wrongly. The then government seized on this decision as proof that there was no stolen generation and that the Bringing Them Home report was indeed a mistake.

Nonetheless, rather well-known is a story of Bruce Trevorrow, who was the first member of Stolen Generation who won monetary compensation for being removed. Trevorrow was adopted without his parents' consent while recovering from gastroenteritis when he was 13 months old. He was returned home when he was 10 year old. Trevorrow, who won the compensation in August 2007 after a 13-year process, was awarded \$775,000. Sadly, eleven months after he achieved his satisfaction Bruce Trevorrow passed away.

5.4.3 Compensation in Tasmania

Yet Trevorrow was not the only member of the Stolen Generations who has obtained compensation. "In 2006, the Tasmanian Government initiated legislation to create a \$5 million fund to provide payments to eligible members of the Stolen Generations of Aborigines and their children. The amount each eligible person was entitled to receive was determined by the legislation. Eligible children of a deceased member of the Stolen Generations were entitled to \$5,000 each, with a maximum of \$20,000 for a family group."⁴⁰

³⁹ "The Stolen Generation Stakes a Claim," http://www.law4u.com.au/lil/lis_stolen.html (accessed April 28, 2010)

⁴⁰ "Stolen Generations," http://www.dpac.tas.gov.au/divisions/cdd/oa/stolen_generations (accessed March 2, 2010)

Why only Tasmanian members of the Stolen Generation were delivered monetary compensation? In fact, there are only 130 victims of the wrongful policy in Tasmania, which makes it possible to provide the compensation to each of them. For other states delivering the compensation to all sufferers would mean an inordinate encroachment in the budget. Although *“Nothing can ever take away what happened and compensation cannot remedy all the ills, this is primarily a gesture that we as a society are serious about reconciliation and sincere in our apology for past hurtful actions,”*⁴¹ stated Peg Putt, the then leader of Tasmanian Greens about the \$5 million fund for Tasmanian Indigenous victims.

*“Reconciliation for me is about recognising the past. Acting in the present. And building a better future”*⁴² stated the Hon. Paul Lennon MP, Premier of Tasmania

5.4.4 Expenses for Court Cases

“In 1997 the non-government parties supported the recommendations of the Bringing Them Home report that a national compensation fund be established to avoid the need for very costly and traumatic court cases. The value of this sensible approach was reinforced by the Howard government spending \$11.5 million opposing the Gunner-Cubillo cases in the Northern Territory”⁴³ at a cost to Australian taxpayers and no benefit to the members of the Stolen Generations.

This was a good example of how money that could have been used for compensation and satisfy perhaps dozens of members of the Stolen Generations was used for court expenses instead. Supposing hundreds of removed people asked for monetary compensation and courts would be protracting the cases, the final amount spent on dealing with the Stolen

⁴¹ “Tasmanian Stolen Generations Compensation Achieved with Tripartisan Support,”
<http://www.anglicansrcwa.org/media/indigenous/018tasmaniancompensation.pdf>
(accessed April 28, 2010)

⁴² “Apology to stolen generation – questions and answers”
<http://www.getup.org.au/files/campaigns/sorryFAQ.pdf> (accessed February 10, 2010)

⁴³ Healey Justin, 2009, 38.

Generations would be much higher than the amount of money suggested for the Compensation Bill.

5.4.5 Similar Fund Established

In December 2007, \$114 million Redress WA scheme was established by the then Western Australian Government. This scheme was for those who, as children, were abused or neglected in State care in Western Australia. It is estimated that since 1920 there were approximately 55 000 children under State care from whom about 3000 were members of the Stolen Generations. Redress WA is to help people mistreated under State care to move forward with their lives. The scheme should be an easier way to obtain reparation than via court. Redress WA joined Tasmania and Queensland as the only states to introduce a 'redress scheme'.

5.5 The Stolen Generations Publicized Belatedly

The public did not discern the existence of the Stolen Generation. People were not acquainted with the circumstances under which Indigenous children were removed from their families or communities. They were misinformed that the children's biological families suffered from poverty and an adoption or institution care would be then the best thing to do in order to provide Aboriginal children education and civilize them.

One of the initial steps which led to the apology was The Going Home Conference held in Darwin in 1994. Several hundred of Indigenous Australians were present for this conference which was the 'foundation-stone' for The Bringing Them Home Report tabled to parliament in May 1997. However, the Keating government supporting the report had been replaced by Howard government before the report was published.

For the attitude and ways of dealing with issues related to the Stolen Generations the Howard government was severely criticised by United Nation's Human Rights Committee in Geneva in July 2000.

In November 2001, an official apology from Roman Catholic Church for the members of the Stolen Generations was delivered by the then Pope John Paul II. on behalf of the Vatican for the mistreatment of children in the church-run institutions. The importance of acknowledgement rose after recognition from the highest authority of the Catholic Church; however, the former Australian Prime Minister Howard still refused to apologize and denied the existence of a Stolen Generations.

5.6 The Significance of the Word ‘Sorry’

As explained in Justin Healey’s publication *Stolen Generations: The Way Forward*, “The word ‘sorry’ holds special meaning in Aboriginal and Torres Strait Islander culture. In many Aboriginal communities, sorry is an adapted English word used to describe the rituals surrounding death (Sorry Business). Sorry, in these contexts, is also often used to express empathy or sympathy rather than responsibility.”⁴⁴

During the 2007 election campaign, then Opposition Leader Kevin Rudd also recognised the significance of the word sorry: “... *simply saying that you’re sorry is such a powerful symbol. Powerful not because it represents some expiation of guilt. Powerful not because it represents any form of legal requirement. But powerful simply because it restores respect*”⁴⁵

The importance of the word ‘sorry’ was also stressed by Warren Snowdon (Australian Labor Party), the Minister for Defence Science and Personnel, who commented on the apology: “*By saying sorry, the government is finally helping the victims—the children, the parents, the brothers, the sisters, the aunties, the uncles—to move on, to leave behind the dark clouds of doubt or guilt that they may have burdened their lives with for so long. In saying sorry to these people, the parliament has performed that duty. Our nation’s apology is significant and meaningful. Sorry: simple to say, complex in its significance.*”⁴⁶

⁴⁴ Healey Justin., 2009, 11.

⁴⁵ Ibid

⁴⁶ “Building a Bridge to Better Future,” <http://www.theaustralian.com.au/news/building-a-bridge-to-better-future/story-e6frg726-111115545662> (accessed March 27, 2010)

*“The significance of the apology to the stolen generations should not be lost by political differences or opposing media opinion. **The word ‘sorry’ will forever hold a special significance for all of us in this chamber and around the country on what has been a truly historic day for Australia.** Today we start a new chapter. We have opened our hearts; now it is time to use our hands and our heads to ensure all Australians have every opportunity to realise their full potential.”*⁴⁷ Damian Francis Hale /Labor Party/

⁴⁷ “Date set for Rudd to say sorry to stolen generation”, <http://www.theaustralian.com.au/news/nation/date-set-for-rudd-to-say-sorry-to-stolen-generation/story-e6frg6nf-111115434483> (accessed March 27, 2010)

6 BRINGING THEM HOME REPORT

After decades of campaigning, in 1995 members of the Stolen Generation managed to persuade the Keating Government to set up a formal national enquiry entitled 'The National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from Their Families' which was conducted by the Human Rights and Equal Opportunity Commission (HREOC). Less than two years later the official report was released, entitled *Bringing Them Home - Report of the National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from Their Families*, and it included testimony from 535 Indigenous Australians and submissions of evidence from an additional 600, all of which were from every state and territory in Australia.

The report contains 54 recommendations for the government to provide an appropriate reconciliation to Indigenous people. According to 3rd recommendation, the reparation should include acknowledgment and apology, guarantees against repetition, measures of restitution and rehabilitation and monetary compensation.

Rudd's apology was based on this report. The Australian Prime Minister had thoroughly analysed the 'Sorry speech' with representatives of the Indigenous community and it took into account the recommendations. However, Aboriginal and Torres Strait Islander Social Justice Commissioner Tom Calma objects that the government "cherry-picked"⁴⁸ recommendations from the report and refrains from monetary compensation which was not mentioned in the apology. Apparently due to high financial expenses resulting from the suggested compensations the Rudd government reduced 54 recommendations proposed by the Bringing Them Home report to 19 which he took under consideration. The remaining 35 recommendations were left ignored including monetary compensation which was ruled out by the government.

⁴⁸ "Stolen Generation compensation long overdue,"
http://www.hreoc.gov.au/about/media/media_releases/2007/52_07.html (accessed October 12, 2009)

6.1 Response to the Report

The first response to the report from a State leader was delivered by New South Wales Premier Bob Carr on June 18, 1997. Carr made a formal apology to the Stolen Generations on behalf of the NSW Government and the Australian people. In the following years all state and territory leaders also apologised.

Carr's apology was acclaimed; the members of the Stolen Generation knew this could be stimulation to further reconciliation. *"They can't give me back my mother, my lost childhood... but when Bob Carr gave his apology it was a removal of all my mother's guilt, the secret she bore alone... the apology set her free."*⁴⁹ – Aunty Nancy de Vries, separated from her family when she was 14 months old.

⁴⁹ "Stolen Generation timeline," <http://www.creativespirits.info/aboriginalculture/politics/stolen-generations-timeline.html> (accessed October 12, 2009)

7 STOLEN VS. RESCUED

Supporters of the apology and people who are sceptical towards acknowledgement often argue whether the kids were really unfoundedly stolen or rescued from poverty and sexual or physical abuse. They both are right. Racial motives are not a right reason for removing children from their families; in these cases the removal was unfounded. Concerning the abuse, sexual and physical abuse was also happening in non-Indigenous families where children mostly remained with their relatives. However, to be a half-caste was a sufficient reason for being removed. Unfortunately, many children were abused in the foster families or mission too, which on the other hand authorities could not have predicted.

Only a small percentage of removed children believe they were indeed rescued. Some of those who publicly declared these views are Nancy Barnes and Martha Koowarta. Barnes wrote of her childhood in Colebrook Home⁵⁰: “*We are referred to as the Stolen Generation. I consider myself saved*”. Koowarta, an Aurukun elder, stated: “*We weren't stolen; our family was there. It was a good system. Or a better system than now. At least my generation learnt to read and write properly.*”⁵¹ There were still indigenous communities which lived in the tribal way of life in the beginning of the second half of the 20th century. Without being removed the children from these communities would never have received education.

The reality that they consider themselves rescued is apparently caused by the fact they were given better living condition in the institutions and were not physically nor sexually abused while being under the state care. They might have suffered some mistreatment in their Aboriginal communities and removal into the institutions was, therefore, in their eyes seen as a refuge.

⁵⁰ “Colebrook Home”, last updated March 27, 2010, <http://www.southeasternhistory.com.au/colebrook.htm> (accessed March 30, 2010)

⁵¹ “‘Remove children’ plea at Aurukun,” <http://www.theage.com.au/news/national/remove-children-plea-at-aurukun/2008/03/13/1205126111240.html> (accessed March 30, 2010)

Nowadays, Martha Koowarta wants the children from Aurukun to be removed again. As she explains, “*We need to get the children out of here, especially the girls, because it is not safe.*” Justice, education and child safety standards in Aurukun, Cape York, have collapsed. Last financial year, 763 defendants – including repeat offenders – from the township of 1000, faced court. “*Closing the school (in favour of boarding schools) is a good idea, so that when they come back from the city, they can talk and read English as well as Wik Mungkan (an Aboriginal language,*” continued Koowarta.⁵²

The children’s lives were, however, often tougher after the removal than they would have probably been if the children had stayed with their families. As Doreen Cockatoo replied when asked if she thought she was rescued, “*I didn't need rescuing from my mother's love.*”⁵³

Andrew Bolt, Australian newspaper columnist, claims there were no removals based on purely racist reasons and that all removed children were rescued from abuse, abandonment and neglect. In his articles he explains stories of Indigenous children and ‘real’ reasons for their removals. However, his evidence is rather anecdotal and Bolt never provides sources of his information.

Bolt asked Brian Butler, the former ATSIC commissioner and now spokesman for the Stolen Generations Alliance and Robert Manne, a prominent Australian political writer, to tell him at least 10 names of children who were removed on the racial bases. They both did, however, Bolt rejected those names and to each name he gave ‘an evidence for being rescued’. Some of the reasons included arguments such as, fatherless or neglected. The question is if being fatherless is a right reason for the removal from relatives and put into an institution and whether being neglected can be somehow proved.

⁵² “‘Remove children’ plea at Aurukun”, <http://www.theage.com.au/news/national/remove-children-plea-at-aurukun/2008/03/13/1205126111240.html> (accessed March 30, 2010)

⁵³ “The Stolen Generations,” <http://www.creativespirits.info/aboriginalculture/politics/stolen-generations.html> (accessed October 12, 2009)

*“Last week's anniversary of the Prime Minister's sorry speech was marked instead by two efforts which backfired so badly that they merely confirm the "stolen generations" as **the greatest lie told of our past,**”*⁵⁴ - Andrew Bolt.

7.1 Arguments against Apology:

Gary Johns, the president of the Bennelong society and a former minister in the Keating government, explains why there should be no apology. In his article⁵⁵ in *ABC News* dated February 13, 2008 he provides several reasons:

- a) According to him ‘the laws were meant to assist Aborigines in circumstances where they were in real danger of being abused. For this there should be no apology’
- b) Johns recalls Bernie Kilgariff, former Senator for the NT, telling him how ‘he as a young man in the 1930s and 1940s would walk over the Todd River bed in Alice Springs and collect abandoned children. Those children were saved from certain death. For this there should be no apology’
- c) ‘If you were an aggrieved plaintiff who would you sue: the black parent or the white, the traditional society or the white for these historic wrongs? Each was responsible for the child, but only the white society provided a remedy. The only reason that white society is pursued now is that it has a magnificent legal system and money. For this there should be no apology’

Johns summarizes his understanding of the matter as giving apology for an effort of non-Indigenous people to resolve the truth in the belief that people of mixed blood were not

⁵⁴ “I'm sorry, but being rescued is so different from being stolen,” <http://www.heraldsun.com.au/opinion/im-sorry-but-being-rescued-is-so-different-from-being-stolen/story-e6frfhqf-1225831100640> (accessed March 30, 2010)

⁵⁵ “For good deeds, there should be no apology,” <http://www.abc.net.au/news/stories/2008/02/13/2161584.htm> (accessed March 10, 2010)

accepted into white either Indigenous society, whereas Aborigines did nothing about this problem.

7.1.1 International Interest

The issue whether or not to deliver an apology had its observers also overseas. Andrew Lewis, a senior writer for the Ayn Rand Institute in Irvine, California, USA, published his article in *Capitalism Magazine* in September 2000. In the article he supports the then Prime Minister Howard not to apologize to Indigenous people, giving several reasons. One of the prime reasons Lewis considers is the fact that an “apology for acts committed by individuals long since dead is unjust. **With the perpetrators long since dead, an apology from someone who is innocent of those crimes is symbolic only of a collective original sin**--the idea that you can be guilty for things you have not done--and is a repudiation of all morality.”⁵⁶ (Andrew Lewis; September, 2000)

7.2 Public Polls:

According to public polls, most Australians were in favour of apologizing to Indigenous Australians. However, the majority was not that large, as showed in the following polls:

Pre-apology poll carried out by Newspoll in 1997 said that 50% of the respondents out of 1200 questioned agreed with the apology, whereas 40% of the respondents disagreed⁵⁷. In contrast in the poll carried out by the same institution just several days after the apology was delivered, approximate number of respondents (1140) expressed the following support: 44% strongly supported, 25% somewhat supported, whereas 26% did not support⁵⁸.

⁵⁶ “Australia’s ‘Original Sin’: Why Prime Minister Howard Should Not Apologize to the Aborigines,” <http://capmag.com/article.asp?ID=665> (accessed October 12, 2009)

⁵⁷ “‘Sorry’ apology to Stolen Generations,” <http://www.creativespirits.info/aboriginalculture/politics/stolen-generations-sorry-apology.html> (accessed October 12, 2009)

⁵⁸ “Polls & Research,” http://www.angus-reid.com/polls/view/australians_back_apology_for_stolen_generations/ (accessed April 28, 2010)

Australian server Morgan.com.au asked whether or not there should be a federal government apology. The poll⁵⁹ contained 522 votes in which 37% of respondents were against the apology because the policy was legal and well meaning at that time, and 27% was in favour of the apology only if it does not make it easier to claim compensation.

After the apology was delivered, server *theaustralian.news.com.au* asked 6 735 people how much the apology to the Stolen Generations will help towards achieving Aboriginal reconciliation. Out of four options, the two opposite, either ‘very much’ and ‘not at all’, received the very same percentage 34%⁶⁰.

Almost 35 000 readers of The Sydney Morning Herald were involved in a survey asking people to rate Rudd’s apology. The results gave the following numbers: 62% of all respondents designated the Prime Minister’s speech as excellent, 16% as good, equal to a further 16% of the respondents who did not agree with an apology⁶¹.

7.3 Public Support:

In May 2000, over 250 000 supporters of reconciliation participated in 4km long walk from North Sydney over the Sydney Harbour Bridge to Darling Harbour. There were three politicians from Howard’s Liberal Party among the participants: the then *Minister for Immigration and Multicultural and Indigenous Affairs* Phillip Ruddock, Joe Hockey, the then *Minister for Financial Services and Regulation* and *Senator* John Herron. The Prime Minister John Howard did not attend. Similar walks were held in other capitals of the states including Melbourne where Peter Costello, the former Deputy Leader of Liberal party, did participate in the walk in his hometown.

⁵⁹ Jens-Uwe Korff, “‘Sorry’ apology to Stolen Generations,” *Creative Spirits –The Art of Touching Spirits and Soul*. <http://www.creativespirits.info/aboriginalculture/politics/stolen-generations-sorry-apology.html> (accessed October 12, 2009)

⁶⁰ Ibid

⁶¹ Ibid

7.4 Act of Genocide?

The act of removing Indigenous children is often compared to some sort of genocide. Although we need to distinguish genocide such as it was committed towards Jews during World War II, removals of Indigenous children based on racial motives are undoubtedly a certain degree of genocidal crime.

The Bringing Them Home report found what was done to the 'stolen generation' was racially discriminatory and an act of genocide. The fact that some children were removed on the racial basis is proved by records in the committal notices in which certain people who were in charge of the removal wrote 'for being Aboriginal'⁶² when giving the reason for board taking control of the child.

According to the Bringing Them Home report⁶³, genocide is defined as any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such:

- a. killing members of the group;
- b. **causing serious bodily or mental harm to members of the group;**
- c. **deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;**
- d. **imposing measures intended to prevent births within the group;**
- e. **forcibly transferring children of the group to another group**

Four out of these five points must be taken under consideration if we want to determine whether forcible removals of Indigenous Australians and Torres Strait Islanders' children were an act of genocide.

⁶² "Don't let fact spoil the day," <http://www.theaustralian.com.au/higher-education/opinion-analysis/dont-let-facts-spoil-the-day/story-e6frgcko-111115509643> (accessed March 10, 2010)

⁶³ "Bringing them home," http://www.humanrights.gov.au/social_justice/bth_report/report/index.html (accessed October 12, 2009)

7.5 Current Generation Responsible for the Past Wrongs?

According to the former Prime Minister John Howard the current generation is not responsible for what was done by previous governments. Hence he was against delivering an apology. And to a certain degree he is right. The current generation in fact is not responsible for what happened in the past. Nonetheless, by delivering the apology Australians showed their compassion and acknowledgement towards those who suffered due to the wrongful assimilation policy.

Australian people should understand that delivery of the apology does not mean an admittance of guilt. Jenny Macklin, The Minister for Families, Housing, Community Services and Indigenous Affairs, had stated that *“The apology will be made on behalf of the Australian Government and does not attribute guilt to the current generation of Australian people.”*⁶⁴ The same opinion expressed also professor Mick Dodson AM, who is a member of the Yawuru peoples and Co-Chairman of Reconciliation Australia and Director of the National Centre for Indigenous Studies at the Australia’s National University: *“Individual Australians are not guilty for what happened to Aboriginal families. I know of no indigenous person who told their story to the inquiry who wanted non-indigenous Australians to feel guilty - they just wanted people to know the truth.”*⁶⁵

⁶⁴ “Date set for Rudd to say sorry to stolen generation,” <http://www.theaustralian.com.au/news/nation/date-set-for-rudd-to-say-sorry-to-stolen-generation/story-e6frg6nf-1111115434483> (accessed March 27, 2010)

⁶⁵ “Handsacross the nation,” <http://www.theage.com.au/news/opinion/hands-across-the-nation/2008/02/12/1202760300487.html> (accessed April 10, 2010)

8 CHANGES AFTER THE APOLOGY

Has anything changed after delivering the apology? Yes and no. The life expectancy gap has been reduced. “In a speech to Parliament, Kevin Rudd said indigenous child mortality rates had eased slightly, school enrolments had risen and two new indigenous houses had been completed since he pledged to stamp out disadvantage two years ago... Rudd's report on Closing the Gap said indigenous children were twice as likely to die before the age of five. The difference in life expectancy was cut to 11.5 years for men and 9.7 for women.”⁶⁶ However, this is not a result of a real improvement but rather the result of having more reliable data.

8.1 The Government's Goals:

- Close life expectancy gap by 2031.
- Halve the gap in child mortality rates by 2018.
- Ensure all indigenous children have access to quality early-childhood programs in remote communities by 2013.
- Halve the gap in reading, writing and numeracy by 2018.
- Halve the gap for indigenous students in year 12 attainment by 2020.
- Halve the gap in employment by 2018

8.2 Conditional Support

Nevertheless, the Government has been criticised for not making more progress. Waves of criticism came especially after the two year anniversary of the Prime Minister's apology. “By the end of 2009 the \$680 million Intervention housing program (SIHIP) had completed just two houses in the Wadeye community – and Indigenous Australians were forced to sign a 99-year lease over their land in order to obtain them.”⁶⁷ The blackmailing of

⁶⁶ “Indigenous figures better but there's a long way to go,” <http://www.smh.com.au/national/indigenous-figures-better-but-theres-a-long-way-to-go-20100211-nv7r.html> (accessed March 13, 2010)

⁶⁷ “After these two years, does anyone remember the apology?,” <http://www.sa.org.au/aboriginal-rights/2577-after-the-last-two-years-who-wouldnt-think-the-apology-was-a-con#> (accessed March 13, 2010)

Indigenous Australians over their lands has been the most criticised act in Australian media. Proponents of the intervention do not find this the right way to provide help to Aborigines.

“In 2009 the NIT (National Indigenous Times) revealed that Jenny Macklin (*The Minister for Families, Housing, Community Services and Indigenous Affairs*) had written to all state and territory housing ministers “warning them that Commonwealth funds ought not to be used to build public housing in Aboriginal communities unless traditional owners first agreed to sign over their land for a minimum of 40 years”. In July, 16 of the 18 housing organisations agreed to the deal. They only did this because they had, in their words, “a gun to our heads”.⁶⁸

“In blackmailing Aboriginal people out of their land the Rudd government has been more successful than its predecessor,” states Diane Fieldes, a lecturer in Industrial Relations at the University of New South Wales, and continues, *“The Intervention was never about helping Aboriginal people – except helping them off their land.”*⁶⁹

Further strong words were uttered towards the current government by a journalist and humanitarian Jeff McMullen who writes in his article: *“There is no real change, only hypocrisy, if our nation continues the pattern of asking for Aboriginal trust and then dealing up treacherous legislation that tramples their fundamental human rights. Let us be honest Prime Minister, you are asking us to live with official racial discrimination.”*⁷⁰

*“The federal government had \$135 million ready to be spent on improving the town camps. But in a brazen display of blackmail, Macklin made the funding dependent on the council surrendering the land to federal and territory governments for 40 years.”*⁷¹

⁶⁸ “After these two years, does anyone remember the apology?” <http://www.sa.org.au/aboriginal-rights/2577-after-the-last-two-years-who-wouldnt-think-the-apology-was-a-con#> (accessed March 13, 2010)

⁶⁹ *ibid*

⁷⁰ “A Day of Reckoning,” <http://stoptheintervention.org/feb-13-2010-protest/speech-jeff-mcmullen> (accessed March 18, 2010)

⁷¹ “Macklin’s Aboriginal housing blackmail – land right, not takeovers!”, <http://www.greenleft.org.au/2009/805/41407> (accessed March 16, 2010)

*“Once more an Australian government has claimed it is doing its best for Aboriginal Australians by taking over their communities, appointing white managers, more government bureaucrats, promising all kinds of things, if Aboriginal people will just sign over their communities under 40-year leases to the federal government. And politicians wonder why Aboriginal people do not trust them,”*⁷² attacked these policies at the Beyond Sport conference in London on July 9 Australian swimmer and Olympic medalist Ian Thorpe.

8.3 Cooperation Needed

One of the possible problems that may occur in the effort to close the enormous gap in life expectancy between non-Indigenous and Indigenous Australians is willingness, flexibility and ability of the traditional land owners to change their way of life. Many Indigenous peoples feel comfortable in the conditions they live in and have little motivation to start up a new way of life. They need to comprehend that closing the life expectancy gap, halving the mortality gap for children as well as improving their living conditions will not be possible without their determination to make the change. Although their effort will bring ‘its fruit’ within generations, Aboriginal peoples need to realize it is their offspring who will be enjoying equal life conditions as non-Indigenous Australians.

On the web sites of Australian newspaper ‘The Australian’ an author claims that people *“have to recognise that change will come only when Indigenous people decide that they want to change their lives. The role of government is to put in place policies that empower individuals and communities to improve their own lives, rather than enfeeble them through welfare and paternalism.”*⁷³

⁷² “Macklin’s Aboriginal housing blackmail – land right, not takeovers!”, <http://www.greenleft.org.au/2009/805/41407> (accessed March 16, 2010)

⁷³ “Building a Bridge to Better Future,” <http://www.theaustralian.com.au/news/building-a-bridge-to-better-future/story-e6frg726-111115545662> (accessed March 27, 2010)

CONCLUSION

Even though the apology was delivered rather late, it is a great step forward in the intercommunity of Indigenous and non-Indigenous Australians. It must be understood that the Stolen Generations is not an issue of distant past and can, therefore, be then forgotten. Some members of the generation are now in their 40's and are affected by the removal. Therefore they deserved the apology which gave them hope of a better future, hope of new opportunities and principally hope of equality for which they had desired so long.

The mistreatment of Indigenous Australians and Torres Strait Islanders has its roots in the history of conquering the Australian land. The Indigenous people were exploited, banished from their lands or even massacred. All of these facts were left without seeking justification or punishing the perpetrators since harming or slaughtering Aborigines was not considered to be a crime. Indeed, until 1967 Indigenous people were not even counted in Australian censuses which means until then they had not been considered people. Therefore they deserved the apology as an acknowledgment for at least a part of the mistreatment committed against them.

As a result of the approach towards the traditional land owners the assimilation policy was not seen as wrong. Although it could have been estimated that children losing maternal affection would suffer, the vision of decreasing the number of Indigenous inhabitants was preferred. Educated light skinned youth would more probably seek their life partners among educated, perhaps non-Indigenous people, resulting in breeding pure white children within several generations. For the sake of this racial policy they deserved the apology.

Non-supporters of the apology claim that the authorities were convinced they were doing the right thing for the children as well as for the future of Australia. Nonetheless, that is not a reason for not apologizing if the policy eventually turned out to be wrong. Others object that the removals may not have been the right thing but they were the least wrong thing. This argument can be true for those who were neglected or abused in their families, however, not for those, who had been well-treated and were removed for being semi-Indigenous only.

Thus Howard wrongly refused to apologize. He was afraid of a wave of compensation claims which could have possibly been raised after delivering the apology. Although governments of all the Australian states had singly apologized, there was only an imperceptible rise of claimants for monetary compensation and the number has not dramatically risen after Kevin Rudd delivered the apology either.

Nor, Howard thought, would it be a right thing to apologize for actions of previous governments. This would, however, not mean that the current generation is guilty for past wrongs. Saying 'sorry' to Indigenous Australians meant showing acknowledgment and compassion, not accepting responsibility for the acts of previous governments. A similar apology had been delivered in 2006 to Vietnam veterans for the treatment they had received for their participation in the war. And it was the then Prime Minister John Howard who delivered the apology to the veterans.

Members of the Stolen Generations had to wait over 30 years to hear an official apology from the federal government. This gap was perhaps needed so that a new generation of politicians could emerge, who favoured change of social relations, social development and moral obligations towards Indigenous peoples. Whether monetary compensation is or isn't delivered is not that significant to the absolute majority of Indigenous Australians and Torres Strait Islanders. The greatest value lies in the acknowledgment of the past wrongs and moral reconciliation. Through the apology Indigenous peoples achieved an invaluable victory for which they had been endeavouring for decades.

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