



Stolen Generations Reparations Steering Committee Report

Stolen Generations Reparations Victoria



Dedication

The Steering Committee would like to respectfully dedicate this report to the Stolen Generations, to those that have passed, to those that are still struggling we honour your resilience, to those that found their way home, to those that are still searching and to those that never made it back home but rest in the Dreaming with their loved ones and Ancestors.





Members of Steering Committee

Ian Hamm (Chair)

Aunty Annie Moore

Bev Murray (representing Link-Up Victoria)

Eva-Jo Edwards

Jennifer Bates (representing Koorie Family History Service - Koorie Heritage Trust)

Jody Barney

Kathy Travis

Lee-Anne Carter (representing Victorian Aboriginal Legal Service)

Lisa Zammit (representing Connecting Home Ltd)

Paul Glass

Sandra Barber

Uncle Larry Walsh

Veronica Heritage-Gorrie



Left to right top row: Uncle Larry Walsh, Lee-Anne Carter, Sandra Barber, Bev Murray, Veronica Heritage-Gorrie, Paul Glass, Aunty Annie Moore, Eva-Jo Edwards, Kathy Travis, Jennifer Bates. Left to right bottom row: Sue-Anne Hunter (Welcome to Country), Ian Hamm and Rhyl Tonge. Absent: Jody Barney and Lisa Zammit.

Stolen Generations Reparations Steering Committee Secretariat

'My Spiritual Journey' © 2021 Faye Thorpe

Rhyl Tonge, Connecting Home
 Rebecca Doig, Connecting Home
Stolen Generations Reparations Steering Committee Artwork



**Stolen Generations Reparations Steering Committee Report dated 18 June 2021
[reviewed 20 July 2021]**

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Terminology

- The Victorian Stolen Generations Reparations Scheme is referred to as ‘Stolen Generations Reparations’ and or ‘the Stolen Generations Reparations package.’
- The term Stolen Generations in this report refers to an adult Aboriginal person who as a child was separated from family, community, Culture, and Country and subsequently lost their identity.
- The term Reparations was defined by the Bringing Them Home Report as follows: ‘Reparations shall render justice by removing or redressing the consequences of the wrongful acts and by preventing and deterring violations’.¹
- The Stolen Generations Reparations Steering Committee is referred to as ‘the Steering Committee’.

¹ Human Rights and Equal Opportunity Commission, 1997, Bringing Them Home Report



- The term Aboriginal is used within this report to refer to Australian Aboriginal and Torres Strait Islander people.
- Intergenerational trauma in this report refers to the ‘...effects of traumatic experiences endured during childhood and adulthood being transmitted to subsequent generations’² For example a Stolen Generations person may inadvertently pass down trauma to their children and subsequently their grandchildren may also then experience this trauma. This report uses the term intergenerational trauma to include transgenerational trauma which another common term used to describe trauma transmitted across a number of generations.³

² Royal Commission into Victoria’s Mental Health System, 10 July 2019, Witness Statement of Dr Graham Gee

³ Atkinson, J., 2002, *Trauma Trails, Recreating Song Lines; The Transgenerational Effects of Trauma in Indigenous Australia*, North Geelong, Spinifex Press



Chair's Foreword

The establishment of Victorian Stolen Generations Reparations is a momentous step in addressing the unfinished business of the Stolen Generations and contributing to this process as the Chair of the Stolen Generations Reparations Steering Committee has been a privilege.

Victorian Stolen Generations have been advocating for Reparations for many years following the release of the Bringing Them Home Report in 1997. Every member of the Committee has long supported the need for a comprehensive response to the needs of the Stolen Children and their descendants.

Victoria has responded to the Bringing Them Home Report in the past with the establishment of organisations supporting Stolen Generations and other policy developments. However, full Reparations for Stolen Generations has remained unfinished business until now.

The Victorian Government is to be commended on its commitment to address this outstanding business and in the way they have asked the people who it is about, and for, Stolen Generations and family, to lead the design and development of Reparations.

The Steering Committee has been fortunate to speak with Stolen Generations and family across Victoria on what Reparations means to us. We know that Stolen Generations have told their stories over and over in order to achieve justice and we appreciate the time taken by all to speak again on the importance of Reparations. The themes we heard from consultation were in line with those from the Bringing Them Home and subsequent Stolen Generations reports. Stolen Generations in Victoria need recognition, service and policy changes and financial reparations to assist with cultural healing,

belonging, re-building a strong identity, and a healthy way of life for us, our children and grandchildren.

This report addresses these concerns that are current for the Stolen Generations community in Victoria. It is recognised that a Reparations package itself cannot address all of the concerns raised, however, in developing this report we have made recommendations that extend Reparations into policy, research and service developments. It is the hope of the Steering Committee that this report reflects the diverse input of all Victorian Stolen Generations and provides clear guidelines to the Victorian Government and other agencies on how Stolen Generations can be supported to heal through a holistic Reparations model.

We know there is no amount of Reparations that can truly remedy the impacts of being taken from family, community, Culture and Country or how it affects our children and grandchildren. Reparations can however be seen as an opportunity for the Victorian Government to make amends for the past and create a path forward for Stolen Generations and family in Victoria.

I would like to thank the members of the Committee for their efforts and contribution in ensuring the robustness and completeness of this report. I also thank the Committee Secretariat for their professionalism and dedication in supporting the Committee in its deliberation. Lastly, I thank the Victorian Government and in particular the Minister for Aboriginal Affairs for commissioning of this report on the design of Victorian Stolen Generations Reparations.

Ian Hamm, Chair – Stolen Generations Reparations Steering Committee



Executive Summary

In March 2020 the Victorian Government announced a commitment to a Stolen Generations Reparations. In December 2020 a Stolen Generations Reparations Steering Committee was established to begin the Reparations design process. The Stolen Generations Reparations Steering Committee oversaw consultations with Stolen Generations across Victoria in early 2021 about the design of Stolen Generations Reparations in Victoria and have developed this report in response to consultation results and other relevant research.

Reparations for Stolen Generations in Victoria has long been advocated for following the release of the Bringing Them Home Report in 1997. The Bringing Them Home Report was the result of a national Human Rights and Equal Opportunity Commission inquiry into the Separation of Aboriginal and Torres Strait Islander Children from their Families. The report made 54 recommendations including a holistic Stolen Generations Reparations model.

Over the past 24 years since the release of the Bringing Them Home Report, Victorian and Commonwealth Governments have met some of the recommendations, however many remain outstanding or only partially completed, including those in relation to a holistic model of Reparations for Stolen Generations. In addition, impacts of the removal of Stolen Generations children are now also felt by the descendants of Stolen Generations. This report seeks to address the outstanding recommendations of the Bringing Them Home Report within the design of Stolen Generations Reparations in Victoria.

The Steering Committee makes the recommendations in this report based on the design principle that Reparations be made in two parts, the first a Stolen Generations Reparations package for Victorian Stolen Generations directly impacted by separation from family, community, Culture and Country (Chapter 3). The Steering Committee also makes recommendations on the operational requirements for a Stolen Generations Reparations package including a high focus on a trauma informed process and access to support services due to the advanced age and lived experience of disability for many Stolen Generations (Chapter 4). The second part of Reparations recommended is an extension of Reparations into enhanced service provisions and policy changes for those directly impacted by separation and their descendants who are experiencing the impacts of intergenerational trauma (Chapter 5).

The Steering Committee found that this is the most effective design to ensure the five holistic components of a Reparations model (acknowledgment and apology, guarantees against repetition, measures of restitution, measures of rehabilitation and monetary compensation) as recommended in the Bringing Them Home Report are actioned. This also reflects previous consultation outcomes from Victorian Stolen Generations and current consultation results from Victorian Stolen Generations about Reparations which were consistent in raising concerns within and beyond the scope of a Reparations package.

This report aims to reflect the input and concerns of Victorian Stolen Generations raised throughout the consultations about the design of Reparations. The report has also considered socio-economic research to support the design of Reparations. Overall, the recommendations made in this report aim to enhance the quality of life for Stolen Generations and their families and provide recognition of the impacts of Stolen Generations separation from family, community, Culture, Country and the subsequent loss of identity and sense of belonging.



Summary of Recommendations

Please be advised that the following recommendations are to be considered and implemented based on the contextual information provided in the full scope of this report.

PART 1 - STOLEN GENERATIONS REPARATIONS PACKAGE AND OPERATIONAL FRAMEWORK

Stolen Generations Reparations Package (Chapter 3)

Recommendation 1: The Steering Committee recommends that the reparations process be known as ‘Stolen Generations Reparations’ and ‘the Stolen Generations Reparations package’., 43

Recommendation 2: The Steering Committee recommends that a Stolen Generations Reparations package be provided to eligible Stolen Generations removed in Victoria and that the package include a financial reparations payment, a funeral fund payment, an apology, post reunion support, a copy of personal records and the opportunity to record their story., 43

Recommendation 3: The Steering Committee recommends that the Stolen Generations Reparations package be made available to living Stolen Generations based on the principle of separation from family in Victoria. It is recommended that the principle of eligibility for the Victorian Stolen Generations Reparations package is inclusive and considers both the state policy and wider societal practice of assimilation and separation of Aboriginal children from family, community, Culture, and Country., 43

Recommendation 4: The Steering Committee recommends that the Stolen Generations Reparations package provide \$100,000 in individual reparations payments to eligible Victorian Stolen Generations., 44

Recommendation 5: The Steering Committee recommends that the financial reparations payment provided in the Stolen Generations Reparation package does not impact on social security allowance, taxation, the National Disability Insurance Service or any aged care or public housing income assessments., 45

Recommendation 6: The Steering Committee recommends that the Stolen Generations Interim Funeral Fund model be extended within the Stolen Generations Reparations package to become an ongoing Funeral Fund accessible to eligible applicants., 46

Recommendation 7: The Steering Committee recommends that a fund be established to cover the costs of a plaque for unmarked graves, exhumation, repatriation, and burial on Country for family of deceased Stolen Generations persons removed in Victoria., 47

Recommendation 8: The Steering Committee recommends that Stolen Generations receive a personal Victorian Government apology as part of the Reparations package., 48

Recommendation 9: The Steering Committee recommends that Victoria Police make a formal apology for their role in the separation of Stolen Generations children., 48



Recommendation 10: The Steering Committee recommends that all current Victorian Stolen Generations services be enhanced to support Stolen Generations eligible for the Stolen Generations Reparations package through post reunion programs., 49

Recommendation 11: The Steering Committee recommends that eligible applicants to the Stolen Generations Reparations package are provided with a copy of their personal records if requested., 50

Stolen Generations Reparations Operational Framework (Chapter 4)

Recommendation 12: The Steering Committee recommends that the Reparations process provides a fully supported, accessible, transparent and trauma informed service., 51

Recommendation 13: The Steering Committee recommends that terminally or critically ill Stolen Generations applicants are provided with an interim payment of \$20,000 upon application., 52

Recommendation 14: The Steering Committee recommends that a Stolen Generations Advisory Committee be established to provide advice on the implementation and operation of Stolen Generations Reparations. It is recommended that members of the Stolen Generations Advisory Committee are determined by the Stolen Generations community., 52

Recommendation 15: The Steering Committee recommends that an evaluation of the Stolen Generations Reparations package be implemented after one year of operation to ensure that the process is supporting Stolen Generations according to the guidelines recommended in this report., 53

Recommendation 16: The Steering Committee recommends that this report be made publicly available so as transparency between the Victorian Government and Stolen Generations in Victoria is maintained., 53

Recommendation 17: The Steering Committee recommends that the Department that administers Stolen Generations Reparations have quality experience in providing monetary compensation packages, have high standards of engagement and providing culturally appropriate, trauma informed services to Aboriginal people in Victoria., 53

Recommendation 18: The Steering Committee recommends that administrative guidelines are developed to oversee the operational function of the Stolen Generations Reparations package., 53

Recommendation 19: The Steering Committee recommends that the cost of administration come from an external budget to ensure the Stolen Generations Reparations package is able to provide recognition worthy of the Stolen Generations experience., 54

Recommendation 20: The Steering Committee recommends that the Stolen Generations Reparations package be open to applications for 5 years to ensure that there is a lengthy window for applications., 54



Recommendation 21: The Steering Committee recommends that to be eligible for the Stolen Generations Reparations package the applicant must have been removed prior to 31 December 1976., 55

Recommendation 22: The Steering Committee recommends that to be eligible for Reparations in Victoria the first act of removal must have occurred in Victoria by a Government or non-government agency., 55

Recommendation 23: The Steering Committee recommends that Victorian Stolen Generations who are incarcerated should be eligible for Stolen Generations Reparations, however it is recommended that applicants who have committed an indictable or serious offence against another person should have their application reviewed by an independent assessment process., 56

Recommendation 24: The Steering Committee recommends that eligible applicants to the Reparations package must have been separated from family for a period of time that resulted in the experience of loss of family, community, Culture, identity and language., 56

Recommendation 25: The Steering Committee recommends that the publicising and promotion of the Stolen Generations Reparations is age appropriate and broad reaching. It is recommended that any promotions be developed using straightforward language, imagery and accessible video promotion., 57

Recommendation 26: The Steering Committee recommends that the application process be simple and accessible to all and able to be completed in writing, transcribed orally or through an interpreter, translation, carer or support service., 58

Recommendation 27: The Steering Committee recommends that processes are developed to ensure the onus is on the Departmental Stolen Generations Reparations Unit to locate evidence to assess applications., 59

Recommendation 28: It is recommended that all assessments be prioritised based on age and health of applicants and that assessments are generally streamlined to ensure expedient outcomes for all applicants., 60

Recommendation 29: The Steering Committee recommends that an independent assessment panel of six people, including a Stolen Generations position as chair, be established to assess and review appealed Stolen Generations Reparations claims., 60

Recommendation 30: The Steering Committee recommends that any previous payment received by an applicant for abuse due to separation from family, such as civil litigation payment or National Redress Scheme payment, not impact on eligibility for and the amount received from the Stolen Generations Reparations package., 61

Recommendation 31: The Steering Committee recommends that if an eligible applicant passes away during the Reparations assessment process the financial Reparations are paid into their estate., 61

Recommendation 32: The Steering Committee recommends that all applicants found ineligible have the right to appeal the decision and are informed of the support in place to assist if required and of the process for how to appeal., 62



Recommendation 33: The Steering Committee recommends that applicants to the Stolen Generations Reparations package are able to access free legal support, financial counselling, trauma informed counselling, disability advocacy, and support workers for those with a lived experience of disability to support them through the Reparations process. This also applies to those who are incarcerated or under guardianship., 62

Recommendation 34: The Steering Committee recommends that a high-quality referral process is developed to ensure that applicants are receiving wrap-around support during and after the Reparations process., 63

PART 2 - STOLEN GENERATIONS REPARATIONS ENHANCED SERVICE PROVISION AND POLICY RESPONSES

Stolen Generations Reparations Enhanced Service Provision and Policy Responses (Chapter 5)

Recommendation 35: The Steering Committee recommends that the full scope of Reparations be completed as recommended in the Bringing Them Home Report and that this be reflected further then the Stolen Generations Reparations package in enhanced service provisions and policy changes., 64

Recommendation 36: The Steering Committee recommends that all service provisions be improved, in regional and urban areas, through the development of Victorian Stolen Generations training packages and accredited frameworks., 65

Recommendation 37: The Steering Committee recommends that markers to acknowledge and commemorate the Stolen Generations experience are established by the Victorian Government, all Local Government Authorities, all Aboriginal Co-operatives and service providers, and by Victoria Police., 66

Recommendation 38: The Steering Committee recommends that the Common Access Guidelines developed by the Koorie Records Taskforce be reviewed, restored and implemented across all government and non-government agencies that hold personal records about Stolen Generations, including those interstate., 67

Recommendation 39: The Steering Committee recommends that an Aboriginal Victoria records repository is established to hold relevant Aboriginal historical and cultural records. It is further recommended that the repository has the capacity to hold personal records at the request of individuals., 68

Recommendation 40: The Steering Committee recommends that avenues for Stolen Generations stories to be recorded be provided as part of a holistic Stolen Generations Reparations response., 69

Recommendation 41: The Steering Committee recommends that specialised and long-term access to all health care, including mental health, specialist appointments and cultural healing modalities, be provided to Stolen Generations and descendants., 70

Recommendation 42: The Steering Committee recommend that Stolen Generations health and mental health training and accreditation be developed and made mandatory for health and mental health care professionals to ensure that they are



able to understand and respond appropriately to Stolen Generations clients and descendants., 71

Recommendation 43: The Steering Committee recommends that tailored aged care packages need to be developed for Stolen Generations., 73

Recommendation 44: The Steering Committee recommends that a comprehensive Victorian aged care Stolen Generations education and training package be developed to ensure that Victorian Stolen Generations receive trauma informed and Stolen Generations specific age care services within an accredited framework., 74

Recommendation 45: The Steering Committee recommends that priority housing be made available to Stolen Generations., 74

Recommendation 46: The Steering Committee recommends that the State continues to engage with the First Peoples' Assembly of Victoria to ensure Victoria's treaty process incorporates the aspirations and voices of Victorian Stolen Generations, including those with a lived experience of disability., 75

Recommendation 47: The Steering Committee recommends that the Yoo-rrook Justice Commission convene a statewide meeting with Victorian Stolen Generations and Stolen Generations support services., 75

Recommendation 48: The Steering Committee recommends that the Yoo-rrook Justice Commission and the Victorian First Peoples Assembly advocate for and support the implementation of the recommendations made in this report., 75

Recommendation 49: The Steering Committee recommends that the Victorian State Disability Plan is reviewed and strengthened to ensure that the unmet needs of Stolen Generations with a lived experience of disability are identified and resulting outcomes are incorporated and implemented within the state plan., 76

Recommendation 50: It is recommended that Victoria Police introduce training into the Police Academy that includes the truth about their role removing Aboriginal children and the impacts of this on Aboriginal Victoria today., 76

Recommendation 51: The Steering Committee recommends that the Victorian Aboriginal Justice Agreement is reviewed and strengthened to ensure that outcomes are implemented to support the needs of Stolen Generations within the justice system, including those with a lived experience of disability., 76

Recommendation 52: The Steering Committee recommends that Stolen Generations who have had their child protection record/s removed from Victoria Police files are formally notified that this has occurred., 77

Recommendation 53: The Steering Committee recommends that a statewide intergenerational healing response be developed for children and grandchildren of Stolen Generations to ensure specialised community led trauma healing programs, healing centres and healing events on Country are enabled., 77

Recommendation 54: The Steering Committee recommends that the Bringing Them Home worker program be reviewed in Victoria to improve outcomes for Stolen Generations., 79



Recommendation 55: The Steering Committee recommends child protection policies and the current number of Aboriginal children entering state care today be urgently addressed., 80

Recommendation 56: The Steering Committee recommend that the Healing Foundation Education modules are made compulsory in primary and secondary education curriculum in Victoria., 81

Chapter 1 Introduction

On 18 March 2020, the former Victorian Government Minister of Aboriginal Affairs, Gavin Jennings, announced a Reparations Scheme for Victorian Stolen Generations. The Stolen Generations Reparations Steering Committee was formed in December 2020 to provide expert advice and recommendations on the design of Victorian Stolen Generations Reparations. The Steering Committee were also to provide advice and oversight on a consultation process with Victorian Stolen Generations about the design of Reparations. The thirteen Steering Committee members were appointed by Victoria Government and made up of Stolen Generations, descendants of Stolen Generations and four representatives from Connecting Home Ltd, Koorie Family History Service – Koorie Heritage Trust, Link-Up Victoria and the Victorian Aboriginal Legal Service. Connecting Home Ltd was funded to provide Secretariat support to the Steering Committee. Department of Premier and Cabinet, with assistance from the Department of Justice and Community Safety, is the lead government agencies working with the Steering Committee on the design of Stolen Generations Reparations in Victoria.

1.1 Stolen Generations Reparations Steering Committee Terms of Reference

The Stolen Generations Reparation Steering Committee used Terms of Reference to guide and focus the design process of Stolen Generations Reparations in Victoria. An overview of the Steering Committee purpose as outlined in the Terms of Reference is as follows:

1. Provide advice on a suitable, culturally safe engagement approach to engage with Stolen Generations and other key stakeholders as determined by the Steering Committee.
2. Coordinate and oversee engagement with Stolen Generations and stakeholders.
3. Collate feedback and data collected throughout the engagement phase.
4. Provide advice on the development and design of the scheme, including alignment with policy and reform frameworks, such as the recommendations of the 1997 Bringing Them Home Report, timing and resource constraints, and any other reasonable considerations identified by the Department.
5. Assess high-level risks and opportunities associated with the development of the scheme and brief the Department in a timely manner.
6. Provide high-level recommendations and findings to inform government's design and implementation of the scheme.
7. Develop and deliver an interim report to the government on the engagement and design of the Steering Committee's Reparations consultation process.
8. Develop and deliver a final report to the government on the recommendations of the Steering Committee.



The Steering Committee's full Terms of Reference can be found at Appendix 1 and the Steering Committee biographies can be found on the Connecting Home [website](#).

1.2 Consultation Summary

The Stolen Generations Reparations Steering Committee led a community consultation process for Victorian Stolen Generations and relevant family between 15 February and 10 May 2021. The purpose of consultation was to engage with Victorian Stolen Generations and families to gather information on what was needed from Stolen Generations Reparations and how they would be supported through a Reparations process. This was to ensure that Victorian Stolen Generations Reparations was designed with the input and decision making of all Victorian Stolen Generations.

Consultation was framed by the principles of trauma-informed engagement, Aboriginal self-determination and cultural safety requirements, including those specific to Stolen Generations.

Consultation was conducted with Stolen Generations through facilitated group sessions, surveys and individual submissions conducted in person, by phone and online. The consultation options were developed and promoted by the Steering Committee Secretariat. A total of 411 Stolen Generations and family participated in the consultation process.

Group sessions for Stolen Generations and families were held in person across Victoria and online. 276 people participated across 24 in person sessions and 1 online group. Three Aboriginal agencies were engaged to facilitate the consultation sessions and were guided by the requirements of the Steering Committee. The three agencies were Mirriyu Cultural Consulting, Arabena Consulting, and Nicole Cassar consultancy. Support was provided for participants in group consultation by Bringing Them Home Workers, Social Emotional Wellbeing Counsellors, support workers or support persons as nominated by participants. The consultation process as a whole was supported by a Victorian Aboriginal Health Service Counsellor who provided support at group sessions and follow up phone support as required. The Steering Committee and Secretariat attended the group sessions to ensure Stolen Generations felt respected and heard throughout the process. The information collected from these sessions will be reflected in the recommendations below. For a full summary of consultation sessions please see the consultation report listed at Appendix 2.

A Stolen Generations Reparations Survey was established and made available for Stolen Generations and families to provide input on the design of Victorian Stolen Generations Reparations. These were completed by participants with support from the Steering Committee Secretariat, independently, or with a nominated support worker or support persons. 94 surveys were completed, of these 63 were completed by Stolen Generations and 47 were completed by family of Stolen Generations.

The information collected from these surveys will be reflected in the recommendations below. A full summary of the survey results can be found at Appendix 2.

41 Stolen Generations people made individual submissions to the Steering Committee which detailed what they would find beneficial from a Stolen Generations Reparations package in Victoria. 14 of these were Deaf Stolen Generations people and 21 were Hard of Hearing Stolen Generations people.



The information collected from these individual submissions will be reflected in the recommendations below. A full summary of the individual submission results can be found at Appendix 2.

The overall theme arising from consultations was about identity, belonging and connection, one participant stated 'I feel sadness over lost opportunities, grief over ancestral history and abuse and a general loss because I still do not feel I belong. The impact on my identity is real'. The Steering Committee have considered this theme strongly in all recommendations made in this report.

1.3 Cost Modelling and Research

The Stolen Generations Reparations Steering Committee engaged Finity Consulting Pty Ltd to provide a report on participant estimate data and cost modelling to ensure the recommendations in this report accurately aligned with the Victorian Government budget allocation for Stolen Generations Reparations. Finity Consulting were also engaged to provide data specific to Victorian Stolen Generations to ensure that a statistical understanding of socio-economic outcomes was considered within the recommendations. The Finity report will be provided as an addition to this report in late June 2021, a draft report has been provided to the Steering Committee for development of this report.

All other research was conducted by the Steering Committee Secretariat from archival records and public reports and in all cases draws on information, academic and other literature with a focus on Stolen Generations people. This included a research summary of past Reparations and Redress Schemes in Australia and the Indian Residential Schools Agreement in Canada, a report on this can be found at Appendix 3.



Chapter 2 Victorian Stolen Generations

In June 2021 the Healing Foundation published new research found there are 3,100 Stolen Generations born before 1972 resident in Victoria, the third highest Stolen Generations

population nationally.⁴ Finity Consulting completed research using the same dataset, the 2018-2019 National Aboriginal and Torres Strait Islander Health Survey, and found that there are between 1,200 and 5,700, or an average of 4000, Stolen Generations born before 1977 living in Victoria.⁵ Further information on the Victorian Stolen Generations population estimate will be provided in the Finity Consulting final report for the Steering Committee in late June 2021.

Stolen Generations in Victoria are currently able to access specialised support at Link-Up Victoria, Connecting Home Ltd, Koorie Family History Service – Koorie Heritage Trust, and through thirteen Bringing Them Home Workers currently positioned in various Aboriginal Community Controlled Organisations across Victoria.

2.1 The Archived History of Stolen Generations in Victoria

Introduction

The history regarding the legislation and separation of Aboriginal children from family, community, Culture and Country in Victoria is outlined in the Bringing Them Home Report.⁶ The following section uses historical records to expand on the legislation that was in place from 1869 to remove Aboriginal children in Victoria with an understanding that removals occurred prior to this time. It is important to note that historical records do not detail a complete and accurate history of the numbers of Aboriginal children separated from family or the policies and practices that allowed removals. As such the information below is not a complete history of Stolen Generations in Victoria but that which could be located from a preliminary search of historical records held in various state and national archives.

Please be advised that some of the terminology within the quotes and references from the historical records used in this section may be considered derogatory or offensive. The terms used represent historical attitudes towards Aboriginal people and does not represent the current views of those involved in authoring this report.

The Protection Board

Victoria was the first state in Australian to enact a 'Protection Act' that enabled Aboriginal children to be separated from their family, community, Culture and Country.

In 1869 the Victorian Government passed the 'Act to provide for the Protection and Management of the Aboriginal Natives of Victoria' and the 'Board for the Protection of

⁴ Healing Foundation, 2 June 2021, Make Healing Happen: It's Time to Act

⁵ Finity Consulting Pty Ltd, May 2021, Stolen Generations Reparations: Interim Report for Stolen Generations Reparations Steering Committee - Draft Findings [Final Report will be provided in late June 2021]

⁶ Human Rights and Equal Opportunity Commission, 1997, Bringing Them Home Report



Aborigines' [the Protection Board] was established in 1871.⁷ In 1871 the regulations formalised the separation of Aboriginal children from family, stating: 'The Governor may order the removal of any aboriginal child neglected by its parents, or left unprotected' to the missions at Coranderrk, Lake Wellington, Lake Tyers, Lake Condah, Framlingham, Lake Hindmarsh or 'to an industrial or reformatory school.'⁸ During this era many of the missions had dormitories in existence where children were removed to.⁹

The 1869 Act was amended in 1886 and 1890 when it became known as the 'Aborigines Act 1890'.¹⁰ This new legislation continued the Protection Board's power to remove children to and from 'stations' [missions named in the 1869 Act above], orphanages or the Industrial Schools Department.¹¹ In 1888 two children under the control of the Protection Board were removed to Brighton Orphanage.¹²

The legislation introduced in 1890 also gave the Protection Board the power to apprentice any child over the age of fourteen to work 'for any person or persons of approved respectability' under the oversight of the Board.¹³ The Bringing Them Home Report further states that during this era 'families refusing to consent to the removal of their children were told they would have to leave the stations [missions] and would be denied rations.'¹⁴ The 1890 Act continued until 1915.¹⁵

The Protection Board reported on children who were separated from family in 1890: 'Under the new regulations approved of by Your Excellency in Council, the Board have been able to place 28 half-caste girls in service with approved families, and the girls are doing well.'

⁷ Victoria Government, 27 October 1871, Victorian Government Gazette, no.68; Victoria Government, 11 November 1869, 'An Act to provide for the Protection and Management of the Aboriginal Natives of Victoria'

⁸ Victoria Government, 24 February 1871, Victorian Government Gazette, no.15

⁹ Victoria Government, 12 September 1890, Victorian Government Gazette, no.81; Find and Connect, Coranderrk Children's Asylum and Dormitory 1863-1924; Find and Connect, Ramahyuck Aboriginal Mission Dormitory [Lake Wellington] 1863-1900 [dormitory years]; Find and Connect, Lake Condah Mission Dormitory 1867-1919; Find and Connect, Ebenezer Mission Dormitory [Lake Hindmarsh] 1859-1904; 'Board for the Protection of the Aborigines', 10 August 1872, 8th Report of The Board for the Protection of the Aborigines [Framlingham children's quarters]; Human Rights and Equal Opportunity Commission, 1997, Bringing Them Home Report [Lake Tyers]

¹⁰ Victoria Government, 16 December 1886, 'The Aborigines Protection Act 1886' [operated in conjunction with the 1869 Act]; Victoria Government, 16 May 1890, Victorian Government Gazette, no.43; Victoria Government, 10 July 1890, 'Aborigines Act 1890'

¹¹ Victoria Government, 16 May 1890, Victorian Government Gazette, no.43; Victoria Government, 10 July 1890, 'Aborigines Act 1890'

¹² 'Board for the Protection of the Aborigines', 13 October 1888, 24th Report of The Board for the Protection of Aborigines

¹³ Victoria Government, 16 May 1890, Victorian Government Gazette, no.43

¹⁴ Human Rights and Equal Opportunity Commission, 1997, Bringing Them Home Report; Victoria Government, 1 December 1899, Victorian Government Gazette, no.101; Victoria Government, 23 September 1908, Victorian Government Gazette, no.113

¹⁵ Victoria Government, 6 September 1915, 'Aborigines Act 1915'; Victoria Government, 13 September 1916, Victorian Government Gazette, no.172



Several boys have been apprenticed, and six little orphans have been transferred to the Orphanage and Industrial Schools.¹⁶

Around 1900 it appears there were some changes in Protection Board policy driven by the practice of assimilation. In 1900 the Protection Board stated on this '... after careful inquiry, the practice of transferring these half-caste children on leaving the station schools to the Department for Neglected Children has been adopted; and the system of training the boys on the farm at Bayswater, and the girls at the home for domestic service, has been working remarkably well.'¹⁷ The same year the Head of the Department for Neglected Children provided the following information on these children who had been separated from family: 'The Aborigines Board has for some years past been in the habit under their Act of from time to time transferring half-caste children who were orphans to this Department ... Consequently [in 1900] ... ten children - two girls and eight boys - were transferred to this Department...' It was reported that of the ten children removed 5 were sent to Bayswater Training Farm, 3 were placed in 'service', 1 was released back to his parents and 1 passed away.¹⁸

Between 1901 and 1905 the Protection Board reported that between 4 and 13 children under control of the Department were residing in Industrial Schools and Orphanages annually.¹⁹ The Protection Board did not report regularly on these removals.

The 'Aborigines Act 1915' and the 'Aborigines Act 1928' continued the Protection Boards power to remove and apprentice Aboriginal children.²⁰ The Protection Boards power to separate Aboriginal children from family, community, Culture and Country was enforced until 1957 when the Aboriginal Welfare Board was established.

From the 1921 until 1954 Aboriginal people in institutions were recorded in the 'Victorian Year Books', generally under 20, however it was not further specified how many were children.²¹ In 1930 it was recorded in the Children's Welfare Department and Reformatory Schools annual report that three children had been admitted as neglected under the

¹⁶ 'Board for the Protection of the Aborigines', 4 October 1890', 26th Report of The Board for the Protection of the Aborigines

¹⁷ 'Board for the Protection of the Aborigines', 5 September 1900', 36th Report of The Board for the Protection of the Aborigines

¹⁸ 'Board for the Protection of the Aborigines', 3 September 1901, 37th Report of The Board for the Protection of the Aborigines

¹⁹ 'Board for the Protection of the Aborigines', 3 September 1901, 37th Report of The Board for the Protection of the Aborigines; 'Board for the Protection of the Aborigines', 10 September 1902, 38th Report of The Board for the Protection of the Aborigines; 'Board for the Protection of the Aborigines', 8 October 1903, 39th Report of The Board for the Protection of the Aborigines; 'Board for the Protection of the Aborigines', 4 October 1904, 40th Report of The Board for the Protection of Aborigines; 'Board for the Protection of the Aborigines', 12 October 1905, 41st Report of The Board for the Protection of Aborigines [There are no further reports of this nature following 1905.]

²⁰ Victoria Government, 6 September 1915, 'Aborigines Act 1915'; Victoria Government, 13 September 1916, Victorian Government Gazette, no.172; Victoria Government, 12 February 1929, 'Aborigines Act 1928'; Victoria Government, 13 May 1931, Victorian Government Gazette, no.100

²¹ Australian Bureau of Statistics, Victorian Yearbooks 1920-1954



'Aborigines Act 1928'.²² It is very unusual that these statistics were recorded in these reports.

Research found that by the end of the Protection Board era, between 1956 and 1957, 150 Aboriginal children were in institutions, more than 10% of the Aboriginal children in Victoria at that time.²³

The Welfare Board

As stated in the Bringing Them Home Report, 'In 1955 the newly elected Premier Henry Bolte commissioned Charles McLean to review and recommend changes to Victoria's Aboriginal affairs policy.'²⁴ During McLean's inquiry between 1955 and 1957 the following information about the removal of Aboriginal children was recorded:

- 24 children were removed from Mooroopna by the police and committed to the care of the Children's Welfare Department by the Children's Court²⁵
- During the inquiry it was stated that 16 Aboriginal children were in institutions in the 'Metropolitan' region of Victoria and 3 in other institutions.²⁶
- 26 Aboriginal children had been 'committed to Children's Welfare Department' between April and July 1956.²⁷

The outcome of the McLean inquiry was the 'Aborigines Act 1957' which replaced the former 1928 Act and established the 'Aborigines Welfare Board' [the Welfare Board].²⁸ The Welfare Board remained in power until 1967. This Act, and those following it, discontinued the power to apprentice children over the age of 14 and did not include any provisions with regards to the Board's power to separate children from family, community, Culture and Country.²⁹

Previous research found that following this change in legislation Aboriginal children in Victoria were removed under the Child Welfare Act 1954. By 1962 there were 86 Aboriginal children in the care of the Children's Welfare Department.³⁰

²² Children's Welfare Department, 1925-1961, Annual Report Children's Welfare Department 1930, VPRS 5694/P1

²³ Victoria Government, August 1996, Final Submission, Part 1, National Inquiry into the Separations of Aboriginal Children and Torres Strait Islander Children from their families.

²⁴ Human Rights and Equal Opportunity Commission, 1997, Bringing Them Home Report

²⁵ Victoria Government, 1957, 'Report Upon the Operation of The Aborigines Act 1928 and the Regulations and Orders Made Thereunder'

²⁶ Victoria Government, 1955-1956, McLean Inquiry – Notes on Country visits, Item ID 1073170; Victoria Government, 1956, McLean Inquiry – Police reports and population details, Item ID 1073176

²⁷ Victoria Government, 1956, McLean Inquiry – Police reports and population details, Item ID 1073176

²⁸ Victoria Government, 11 June 1957, 'Aborigines Act 1957'; Victoria Government, 24 July 1957, Victorian Government Gazette, no.207

²⁹ Victoria Government, 27 August 1958, Victorian Government Gazette, no.80, [known as 1958 'Aborigines Welfare Regulations']; Victoria Government, 30 September 1958, 'Aborigines Act 1958'; 'Aborigines Welfare Board', 30 June 1959, Report of the Aborigines Welfare Board 1958-1959, [No changes to 1958 Regulations when 1958 Act passed]

³⁰ Haebich, A., 2000, *Broken Circles: Fragmenting Indigenous Families 1880-2000*, Fremantle, Fremantle Arts Centre Press; Victoria Government, August 1996, Final Submission, Part 1, National Inquiry into the Separations of Aboriginal Children and Torres Strait Islander Children from their families



As the following information indicates, although the Welfare Board was not legislated to do so they remained involved with separating children from family by providing funding, oversight and formal advice with relation to children in care:

- The Bringing Them Home Report states that the Welfare Board: ‘... could notify the police that it was concerned about a particular child and thereby initiate forcible removal action.’³¹ Additionally the Welfare Board worked with Victoria Police in 1961 to develop procedures to ensure that they were notified of any Aboriginal child bought before the court on a child protection application.³² This indicates police accepted the Welfare Board’s authority to oversee Aboriginal child removals.
- Between at least 1959 and 1965 the Welfare Board provided formal advice on removals of children to institutions and foster care.³³ In 1965 the Welfare Board stated: ‘Occasionally Welfare Staff [Social Welfare Department] make a direct approach to negotiate the placement of children and the Board has met the costs involved’ again indicating formal involvement with the removal processes at the time’.³⁴ In 1966 a member of the Welfare Board, and also Director of the Family Welfare Division, Social Welfare Department stated in a speech that the Family Welfare Division used the advice of the Welfare Board ‘on whether [Aboriginal] children should be returned to their family’s care’³⁵ This indicates institutions and government staff accepted the Welfare Board’s authority to oversee Aboriginal child removals.
- Between at least 1959 and 1964 the Welfare Board paid ‘maintenance’ fees to institutions and foster parents where Aboriginal children were held indicating they had an authority to oversee child welfare payments for Aboriginal children.³⁶
- Between 1960 and 1962 Aboriginal Welfare Board staff visited various children’s institutions housing Aboriginal children, Winlaton, Bayswater Salvation Army Boys Home and Gordon Boys Home, indicating they had some formal oversight on the children within these institutions.³⁷
- Previous research found that the Welfare Board were also involved with the ‘supervision of interstate placements of Aboriginal children by Northern Territory and Queensland authorities’. Another record shows that Victorian Aboriginal children removed in NSW Children’s Court were released to Victoria ‘if they placed

³¹ Human Rights and Equal Opportunity Commission, 1997, Bringing Them Home Report

³² ‘Aborigines Welfare Board’, February 1962, Minutes of meetings – Aboriginal Welfare Board 1962-1964, Item ID 1338541

³³ ‘Aborigines Welfare Board’, February 1959, July 1959, Minutes of meetings – Aboriginal Welfare Board 1959-1961, Item ID 1046524; ‘Aborigines Welfare Board’, Minutes of meetings – Aboriginal Welfare Board 1962-1964, August 1964, Item ID 1338541; ‘Aborigines Welfare Board’, November 1965, Minutes of meetings – Aboriginal Welfare Board 1965-1967, Item 3019138; Victoria Government, January 1996, Interim Submission, Part 1, National Inquiry into the Separation of Aboriginal Children from their families

³⁴ ‘Aborigines Welfare Board’, 30 June 1965, Report of the Aborigines Welfare Board 1964-1965

³⁵ ‘Ministry of Aboriginal Affairs’, 1966-1974, Third Victorian Aboriginal Congress speech by Mr A.G. Booth 11 June 1966, Item ID 31532602

³⁶ ‘Aborigines Welfare Board’, August 1959, Minutes of meetings – Aboriginal Welfare Board 1959-1961, Item ID 1046524; ‘Aborigines Welfare Board’, March 1964, May 1964, July 1964, Minutes of meetings – Aboriginal Welfare Board 1962-1964, Item ID 1338541; ‘Aborigines Welfare Board’, 1956-1965, ‘Aborigines Welfare Board’, Correspondence files – Institutions, Item ID 1942034

³⁷ ‘Aborigines Welfare Board’, 1956-1965, Correspondence files – Institutions, Item ID 1942034



themselves under the control of the Victorian Welfare Board'.³⁸ Both examples indicate that the Board was seen as a formal representative to oversee Aboriginal children's removals across jurisdictions.³⁹

The Welfare Board was one of the private adoption agencies approved under the 1964 Adoption Act.⁴⁰ In 1965 the Board made 'an application for registration as a private adoption agency' and in 1966 it was noted that the Welfare Board had been approved to operate as an adoption agency.⁴¹ The 1966 Welfare Board developed a procedure on adoptions which indicates they were also involved with interstate adoption of Aboriginal children.⁴² Previous research found that the Welfare Board arranged between 7 and 15 adoptions prior to 1968.⁴³

Records also indicate that the Welfare Board reported irregularly on numbers of children removed and the reasons for continued child removals in Victoria further indicating an official oversight of the Aboriginal children who were in out of home care.

- In late 1958 the Welfare Board conducted a census of Aboriginal children in institutions and found a total of 90 children. 72 were Aboriginal wards of the state, of these 65 were in children's homes and seven 'boarded out'. 18 children were residing in other forms of institutions including 12 in hospitals.⁴⁴
- In 1959 the Welfare Board reported that 'generally Aboriginal housing throughout the State is undoubtedly the lowest standard of all poor housing' and as a consequence children 'have been placed under the care of hospitals and welfare departments'. They also reported at this time that 130 Aboriginal people [not further specified] were residing in 'institutions etc', however the report did not clarify how many of these were children.⁴⁵
- In 1966 the Welfare Board stated, 'Aboriginal children are much more likely to become state wards' and 'Aboriginal children placed in Homes conducted by religious and voluntary societies are usually there as a result of wardship'.⁴⁶
- Also in 1966 a member of the Welfare Board, and also the Director of the Family Welfare Division, Social Welfare Department stated in a speech that 'about 100' of 5200 wards of the state were Aboriginal children.⁴⁷

³⁸ 'Aborigines Welfare Board', January 1960, Minutes of meetings – Aboriginal Welfare Board 1962-1964, National Archives, Item ID 1338541

³⁹ Haebich, A., 2000, *Broken Circles: Fragmenting Indigenous Families 1880-2000*, Fremantle, Fremantle Arts Centre Press

⁴⁰ Human Rights and Equal Opportunity Commission, 1997, *Bringing Them Home Report*

⁴¹ 'Aborigines Welfare Board', November 1965, Minutes of meetings – Aboriginal Welfare Board 1965-1967, Item 3019138; 'Ministry of Aboriginal Affairs', 1966-1974, Third Victorian Aboriginal Congress speech by Mr A.G. Booth 11 June 1966, Item ID 31532602

⁴² 'Aborigines Welfare Board', 1965-1968, Correspondence files – Adoption, Item ID 1938619

⁴³ Victoria Government, August 1996, Final Submission, Part 1, National Inquiry into the Separations of Aboriginal Children and Torres Strait Islander Children from their families

⁴⁴ 'Aborigines Welfare Board', 1958-1959, Health – Children in Institutions and hospitals, Item ID 4115945.

⁴⁵ 'Aborigines Welfare Board', 30 June 1959, Report of the Aborigines Welfare Board 1958-1959

⁴⁶ 'Aborigines Welfare Board', 30 June 1965, Report of the Aborigines Welfare Board 1964-1965

⁴⁷ 'Ministry of Aboriginal Affairs', 1966-1974, Third Victorian Aboriginal Congress speech by Mr A.G. Booth 11 June 1966, Item ID 31532602



Although the Welfare Boards official policy was to keep children with families 'rather than admitted to the care of the Social Welfare Department' records do not indicate that any practice of upholding this policy existed.⁴⁸

Previous research found that voluntary organisations dominated the role of placing of Aboriginal children in institutional or foster care during this time period.⁴⁹ It is evident in historical records that the Welfare Board worked closely with Save The Children Fund and organisations such as the Apex Clubs or the Country Women's Association with regards to Aboriginal child welfare matters.⁵⁰

Records also indicate during this time period, a number of children were separated from family due to a lived experience of disability or under the pretext of educational advancement.⁵¹

Previous research summarised this era of the Welfare Board: 'In the absence of specific legislation Aboriginal children became wholly subject to the general system of child welfare and juvenile justice. There was also a continuation of 'informal' removal of children... and Aboriginal children continued to be over-represented in the young offenders system...'⁵²

The Ministry of Aboriginal Affairs

The Welfare Board was abolished in 1967 with the Aboriginal Affairs Act 1967. Under this new legislation, the Ministry of Aboriginal Affairs [The Ministry] was established on 1 January 1968 and an Aboriginal Affairs Advisory Council consisting of six Aboriginal people was established in February 1968.⁵³

The Ministry was primarily funded by the Commonwealth Government and was designed to 'provide housing and housing loans, educational assistance, health and medical care, employment and training, rehabilitation and welfare programs, legal aid' and coordination 'of the activities of voluntary organisations concerned with the welfare of Aborigines' among other agendas.⁵⁴

⁴⁸ 'Aborigines Welfare Board', 1966, Aboriginal Policies of the Aboriginal Welfare Board Victoria, Item ID 32690783

⁴⁹ Haebich, A., 2000, *Broken Circles: Fragmenting Indigenous Families 1880-2000*, Fremantle, Fremantle Arts Centre Press

⁵⁰ 'Aborigines Welfare Board', January 1960, Minutes of meetings – Aboriginal Welfare Board 1959-1961, Item ID 1046524; Victoria Government, January 1996, Interim Submission, Part 1, National Inquiry into the Separation of Aboriginal Children from their families

⁵¹ Victoria Government, August 1996, Final Submission, Part 1, National Inquiry into the Separations of Aboriginal Children and Torres Strait Islander Children from their families

⁵² Victoria Government, August 1996, Final Submission, Part 1, National Inquiry into the Separations of Aboriginal Children and Torres Strait Islander Children from their families

⁵³ Human Rights and Equal Opportunity Commission, 1997, Bringing Them Home Report; 'Ministry of Aboriginal Affairs', 30 September 1968, Ministry of Aboriginal Affairs Annual Report 1967- 1968, Item ID 31532602

⁵⁴ Lyons, G., 1983, 'Official Policy Towards Victorian Aborigines 1957-1974', *Aboriginal History Journal*, 7(1), 61-79



Although the Ministry was not the lead agency in child welfare, records indicate that they had some significant oversight of the Aboriginal children who were in care until at least 1971 as noted below.⁵⁵

- In their first Annual Report in 1968, the Ministry noted that they were aware of ‘unauthorised fostering arrangements of Aboriginal children’ and stated that ‘over 300 Aboriginal children had been informally separated from their parents’ with possibly many more unknown.⁵⁶ The Director of Aboriginal Affairs at this time stated in the media that these children were illegally or unofficially adopted into non-Indigenous families.⁵⁷
- The following year in 1969 the Ministry reported that after investigation it was found that ‘many of the children had become separated from their natural parents following hospitalisation and the need for temporary accommodation while receiving outpatient treatment’. The Ministry stated that to address this issue they were establishing an Aboriginal family group home with the intention of employing Aboriginal couples to be house parents.⁵⁸ In 1970 the Ministry reported that one family group home, Wirraminna in Essendon, had been established, for the purpose of ‘alternative accommodation for Aboriginal wards of the state’, five children were living in that home at the time and six in 1973 and 1974.⁵⁹
- In 1968 an amendment to the 1967 Act was implemented and this governed that ‘...where an Aboriginal child is the subject of any proceedings before a Children’s Court and the informant is a member of the police...’ the police official was to notify the Ministry’s Director of the Aboriginal Affairs.⁶⁰ The Bringing Them Home Report states that once notified the Aborigines Advancement league would then be notified of the court case so that the child could be legally represented.⁶¹
- In 1971 the Ministry had oversight on the of the transfer of Aboriginal children in a family group home St Cuthbert’s Home, Colac to the Ministry family group home Wirraminna in Essendon. Records indicate that the Ministry, after seeking advice of the Social Welfare Department, had the final authority on the movements of these Aboriginal children in state care.⁶²

By 1973 there had been a significant increase in reported numbers of Aboriginal children in out of home care. 220 Aboriginal children were recorded as in out of home care, 120 more

⁵⁵ ‘Ministry of Aboriginal Affairs’, Register - Children in care of Social Welfare Department, 1970-1971, Item ID 23616819; ‘Ministry of Aboriginal Affairs’, 1971, Family Group Home – Policy, Item ID 23616870

⁵⁶ ‘Ministry of Aboriginal Affairs’, 30 September 1968, Ministry of Aboriginal Affairs Annual Report 1967- 1968, Item ID 31532602

⁵⁷ Haebich, A., 2000, *Broken Circles: Fragmenting Indigenous Families 1880-2000*, Fremantle, Fremantle Arts Centre Press; The Canberra Times, 26 June 1968, ‘Aboriginal children ‘better with parents’

⁵⁸ ‘Ministry of Aboriginal Affairs’, 17 October 1969, Ministry of Aboriginal Affairs Annual Report 1968-1969, Item ID 31532602

⁵⁹ ‘Ministry of Aboriginal Affairs’, 30 November 1971, Ministry of Aboriginal Affairs Annual Report 1970-1971, Item ID 31532602; ‘Ministry of Aboriginal Affairs’, 30 October 1973, Ministry of Aboriginal Affairs Annual Report 1972-1973, Item ID 31532602; ‘Ministry of Aboriginal Affairs’, 30 October 1974, Ministry of Aboriginal Affairs Annual Report 1973- 1974, Item ID 31532602

⁶⁰ Victoria Government, 26 November 1968, ‘Aboriginal Affairs (Amendment Act) 1968’

⁶¹ Human Rights and Equal Opportunity Commission, 1997, Bringing Them Home Report

⁶² ‘Ministry of Aboriginal Affairs’, 1971, Family Group Home – Policy, Item ID 23616870a



then was reported 6 years earlier in 1966.⁶³ By 1974 there were 323 Aboriginal children were in recorded in out of home care, it was estimated this equalled 1 out of every 6 Aboriginal child was a ward of the state at that time.⁶⁴

The Ministry was decommissioned in 1974 with the introduction of the Aboriginal Affairs (Transfer of Functions) Act. Under this legislation responsibility for Aboriginal Affairs transferred from Victoria Government to Commonwealth Department of Aboriginal Affairs.⁶⁵

Social Change

Social changes around the separation of Aboriginal children from family began to occur in Victoria following the closure of the Ministry and due to the long-standing advocacy of the Aboriginal community including Stolen Generations and Aboriginal community organisations.

The Victorian Aboriginal Legal Service was established in 1973 and according to the Bringing Them Home Report appeared for Aboriginal children in the Children's Court, however it appears this process was not formalised within child protection policies until around 1979.⁶⁶

The Victorian Aboriginal Child Placement Agency, later renamed the Victorian Aboriginal Child Care Agency (VACCA), was established in late 1976 and began receiving federal government funding in 1978.⁶⁷ In 1977 VACCA had 205 clients and 5.5 staff on board.⁶⁸

The numbers of Aboriginal children who were wards of the state at this time were still high, 350 Aboriginal children in 1976, reducing to 270 Aboriginal wards of the state by 1979.⁶⁹

In 1977 and 1978 the Victorian Social Welfare Department issued a policy that regarded VACCA as the official spokesperson on 'Aboriginal Juvenile Welfare'. According to this policy VACCA was to be present at all case planning and review meetings about Aboriginal wards of the state, departmental quarterly meetings about policy and practice and at foster care conferences. By 1979 VACCA were also present on an Adoption Committee and were to be consulted with on Aboriginal adoptions although in 1983 VACCA reported this did not always occur.⁷⁰ Consultation with VACCA may not have always occurred within fostering as

⁶³ 'Ministry of Aboriginal Affairs', 1966-1974, Third Victorian Aboriginal Congress speech by Mr A.G. Booth 11 June 1966, Item ID 31532602; Victoria Government, August 1996, Final Submission, Part 1, National Inquiry into the Separations of Aboriginal Children and Torres Strait Islander Children from their families.

⁶⁴ 'Ministry of Aboriginal Affairs', 1975, Research - Aboriginal Children in State Care in Victoria, Item ID 23572977

⁶⁵ Lyons, G., 1983, 'Official Policy Towards Victorian Aborigines 1957-1974', *Aboriginal History Journal*, 7(1), 61-79

⁶⁶ 'Ministry of Aboriginal Affairs', 30 October 1973, Ministry of Aboriginal Affairs Annual Report 1972-1973, Item ID 31532602; Human Rights and Equal Opportunity Commission, 1997, Bringing Them Home Report; Victoria Government, Department of Aboriginal Affairs, 1975-1984, Aboriginal Adoption and Fostering Policy Review, Item ID 23478958

⁶⁷ Human Rights and Equal Opportunity Commission, 1997, Bringing Them Home Report; Victoria Government, Department of Aboriginal Affairs, 1975-1984, Aboriginal Adoption and Fostering Policy Review, Item ID 23478958

⁶⁸ Victorian Aboriginal Child Care Agency, Our History, <https://www.vacca.org/page/about/our-history>

⁶⁹ Human Rights and Equal Opportunity Commission, 1997, Bringing Them Home Report

⁷⁰ Victoria Government, Department of Aboriginal Affairs, 1975-1984, Aboriginal Adoption and Fostering Policy Review, Item ID 23478958



a Bringing Them Home Oral History Project recording states that a Stolen Generations person, born in 1977, was removed in 1979 into foster care and then to Wirraminna Family Group Home in Essendon. The oral history summarises that despite numerous instances of her parents attempting to return her to their care she was instead made a ward of the state. Her mother was also a Stolen Generations person.⁷¹

In 1979 and 1980 the Victorian and Commonwealth governments formalised this policy with a focus on VACCA's role in child protection, on providing cultural safety support for non-Indigenous foster and adopted parents of Aboriginal children, on cultural safety support for Aboriginal children in institutions, emphasis on fostering rather than adopting Aboriginal children, on supporting Aboriginal families to foster children from their local region and preventative family support programs. It was stated at this time that further development was needed in Victoria to provide training on the needs of Aboriginal children in foster care, to increase placing Aboriginal children with extended family or community members and to improve housing conditions which were often the principal issue that led to the removal of Aboriginal children.⁷²

This led to legislative change in the 1980s when the Aboriginal Child Placement Principle was legislated in the 1984 Adoption Act and 1989 Child Protection Act. The Aboriginal Child Placement Principle at the time required under legislation that an Aboriginal agency must approve or be consulted with regarding the placement of an Aboriginal child in care or in adoption.⁷³

The Bringing Them Home Report found this legislation was further put into practice in 1992 when a procedure between the Department of Health and Community Services and VACCA was signed. It affirmed VACCA's right to be consulted and involved in the case management of Aboriginal children in care.⁷⁴ Almost 80% of Indigenous children in out-of-home care in Victoria were placed with Indigenous carers at the end of June 1996.⁷⁵

2.2 Bringing Them Home Report

The Bringing Them Home Report, tabled in the Australian Parliament on 26 May 1997, was the result of the Human Rights and Equal Opportunity Commission's (HREOC) 'National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from their Families' that ran between August 1995 and 1997.⁷⁶

The Healing Foundation summarised the purpose of the HREOC inquiry:⁷⁷

- To examine the past laws, practices and policies of forcible separation of Aboriginal and Torres Strait Islander children from their families and their effects.

⁷¹ Angela Louise Hood interviewed by Jane Watson, 2001, Bringing them home oral history project, National Library of Australia

⁷² Victoria Government, Department of Aboriginal Affairs, 1975-1984, Aboriginal Adoption and Fostering Policy Review, Item ID 23478958; Victoria Government, August 1996, Final Submission, Part 2, National Inquiry into the Separation of Aboriginal children and Torres Strait Islander children from their families

⁷³ Human Rights and Equal Opportunity Commission, 1997, Bringing Them Home Report; Victoria Government, 'Adoption Act 1984'; Victoria Government, 'Children and Young Persons Act 1989'

⁷⁴ Human Rights and Equal Opportunity Commission, 1997, Bringing Them Home Report

⁷⁵ Human Rights and Equal Opportunity Commission, 1997, Bringing Them Home Report

⁷⁶ Healing Foundation, 2017, Bringing Them Home Report – 20 Years On

⁷⁷ Healing Foundation, 2017, Bringing Them Home Report – 20 Years On



- To identify what should be done in response, including any changes in current laws, practices and policies with a focus on locating and reunifying families.
- To examine the justification for any compensation for those affected by the forcible separations.
- To look at then current laws, policies and practices affecting the placement and care of Indigenous children.

The Inquiry took evidence orally or in writing from 535 Indigenous people throughout Australia concerning their experiences of the removal policies. In addition, individual agencies also took testimonies and provided them to the Inquiry.⁷⁸ The Bringing Them Home Report compiled this evidence alongside submissions collected from various government and non-government agencies and proposed 54 recommendations. It was the first national report on Stolen Generations.⁷⁹

The Healing Foundation summarised the report's 54 recommendations as follows:⁸⁰

- Acknowledgment and formal apology with all parliaments, police forces and churches to acknowledge, apologise and make reparation for past wrongs.
- Reparation for people who were forcibly removed including monetary compensation through a national compensation fund.
- Records, family tracing and reunion, including funding community-based Link-Up services to help families reconnect, and the establishment of records taskforces
- Rehabilitation for survivors of forcible removal, including local healing and wellbeing approaches.
- Education and training, including a National Sorry Day and the inclusion of compulsory modules on the Stolen Generations in school curricula.
- Guarantees against repetition, including the implementation of self-determination approaches to the wellbeing of Indigenous children and young people.
- Addressing contemporary separation, with national standards legislation to ensure compliance with the Indigenous Child Placement Principle.
- A national process for coordination and monitoring the implementation of the recommendations.

Reparations was defined in the Bringing Them Home Report as 'Reparations shall render justice by removing or redressing the consequences of the wrongful acts and by preventing and deterring violations'.⁸¹ Recommendation three of the report provides five overarching components of what reparations for Stolen Generations should include, stating 'Reparations should be material, in-kind and non-material and should include, but not be confined to, monetary compensation'. The five components of Reparations are as follows.⁸²

- 1. Acknowledgment and apology.** Under this component, the Bringing Them Home Report further details recommendations relating to formal apologies from governments, police, and churches and acknowledging Stolen Generations through various forms of commemoration.

⁷⁸ Human Rights and Equal Opportunity Commission, 1997, Bringing Them Home Report

⁷⁹ Healing Foundation, 2017, Bringing Them Home Report – 20 Years On

⁸⁰ Healing Foundation, 2017, Bringing Them Home Report – 20 Years On

⁸¹ Human Rights and Equal Opportunity Commission, 1997, Bringing Them Home Report

⁸² Human Rights and Equal Opportunity Commission, 1997, Bringing Them Home Report



2. **Guarantees against repetition.** Under this component, the Bringing Them Home Report further details recommendations relating to the child protection system and education programs for child protection staff and the general public.
3. **Measures of restitution.** Under this component, the Bringing Them Home Report further details recommendations relating to access to records, assistance for returning to Country, family tracing and family reunions, language, cultural and history centres.
4. **Measures of rehabilitation.** Under this component, the Bringing Them Home Report further details recommendations relating to services provisions in the fields of mental health, health, parent and family wellbeing, corrective services, juvenile justice, and intergenerational trauma.
5. **Monetary compensation.** Under this component, the Bringing Them Home Report further details recommendations relating to a national compensation scheme for Stolen Generations.

The outcomes of the Bringing Them Home recommendations are outlined in further detail below, however, it is important to note although many of the recommendations were targeted at the Commonwealth Government, most have since been individually responded to instead at a state level. Although it has been 24 years since the report, many recommendations remain incomplete or only partially complete and there have been a number of subsequent reviews reporting on this. This report will outline three significant reviews of the Bringing Them Home Report with a focus on Reparations as follows.

In 1999 the Senate requested the Legal and Constitutional References Committee complete an inquiry into the implementation of recommendations made in the Bringing Them Home Report. This Committee ran a consultation process between 1999 and 2000 and finalised the 'Healing: A Legacy of Generations' Report in 2000.⁸³ This report made ten recommendations that reinforced the original Bringing Them Home recommendations and that the Public Interest and Advocacy Centre (PIAC) put forward a Reparations Tribunal model for Stolen Generations.⁸⁴

PIAC fulfilled this recommendation after the Moving Forward consultation project and published the 'Restoring Identity: Final Report of the Moving Forward consultation project' in 2002 and a revised edition in 2009. The report included 12 detailed recommendations based on consultation between 2001 and 2002. Again these recommendations reiterated the importance of the Bringing them Home recommendations and included a proposal for a reparations tribunal to achieve full and just reparations for Stolen Generations.⁸⁵ The types of reparations that Moving Forward consultation participants noted would be a beneficial to Stolen Generations were Culture and history centres, healing centres, including funding for land or premises, community education programs about the history of removals, community

⁸³ Parliament of Australia, 30 November 2000, Legal and Constitutional References Committee, Healing: A Legacy of Generations

⁸⁴ Parliament of Australia, 30 November 2000, Legal and Constitutional References Committee, Healing: A Legacy of Generations

⁸⁵ Public Interest Advocacy Centre Ltd, June 2009, Restoring Identity: Final Report of the Moving Forward consultation project



genealogy projects for Indigenous communities, monetary payments, access to appropriate counselling services, access to language and Culture training, and memorials.⁸⁶

In 2017 the Healing Foundation published a report titled 'Bringing Them Home 20 years on' and in it stated: 'Two decades on and the majority of the Bringing Them Home recommendations have not yet been implemented. For many Stolen Generations members, this has created additional trauma and distress.'⁸⁷ This report made three recommendations and outline a detailed action plan for fulfilling these:⁸⁸

- A comprehensive assessment of the contemporary and emerging needs of Stolen Generations members, including needs-based funding and a financial reparations scheme.
- A national study into intergenerational trauma to ensure that there is real change for young Aboriginal and Torres Strait Islander people in the future.
- An appropriate policy response that is based on the principles underlying the 1997 Bringing Them Home Report.

The Steering Committee has considered the Bringing Them Home Report's original recommendations and they will be further referenced alongside the recommendations in this report to ensure that the voices of past Stolen Generations continue to be heard.

2.3 Victorian Responses to the Bringing Them Home Report

Victoria has a long history of community resilience and advocacy that has bought some outcomes for Stolen Generations in lieu of a full jurisdictional response to the holistic Reparations model recommended in the Bringing Them Home Report.

This section will detail Victorian responses to the Bringing Them Home Report under the five Reparations components detailed within the Bringing Them Home Report: acknowledgment and apology, guarantees against repetition, measures of restitution, measures of rehabilitation and monetary compensation. The section will outline what outstanding matters remain to be completed from these recommendations. It is noted that this section does not cover every Victorian response to the Bringing Them Home Report but those which are significant.

Acknowledgment and apology

This report understands this aspect of reparations, as detailed in the Bringing Them Home Report, as an apology or commemorative markers that acknowledge past wrongs done to Stolen Generations. The following apologies and acknowledgments have taken place in Victoria since the 1997 Bringing Them Home Report:

- Premier Jeff Kennett made a formal apology to Stolen Generations in 1997 on behalf of the Victorian Government.⁸⁹

⁸⁶ Public Interest Advocacy Centre Ltd, June 2009, Restoring Identity: Final Report of the Moving Forward consultation project

⁸⁷ Healing Foundation, 2017, Bringing Them Home Report – 20 Years On

⁸⁸ Healing Foundation, 2017, Bringing Them Home Report – 20 Years On

⁸⁹ Parliament of Victoria, 17 September 1997, Victorian Government Apology to Stolen Generations



- In response to the Bringing Them Home Report recommendation the Victorian Police acknowledged past injustices, and this was reflected in their policy at the time.⁹⁰
- MacKillop Family Services acknowledged the Stolen Generations in 1998 and Child and Family Services Ballarat also acknowledge Stolen Generations in their apology to former children in their care.⁹¹
- In 2006 'many mainstream Community Sector Organisations joined together to acknowledge and apologise to the Stolen Generations.'⁹²
- Berry St issued an apology to Stolen Generations in 2016 for their part in separating Aboriginal children from family.⁹³
- Stolen Generations markers at Darebin Council, Preston and Atherton Gardens, Fitzroy and two in development in the Melbourne region.

Outstanding matters:

- Apology from Victoria Police.⁹⁴
- Statewide markers commemorating Stolen Generations.⁹⁵

Guarantees against repetition

This report understands this aspect of reparations, as detailed in the Bringing Them Home Report, as the policies and practices in place to ensure that the Stolen Generations experience of separation from family, community, Culture, Country and subsequent loss of identity and sense of belonging is not repeated. The following policies and practices on guarantee against repetitions have been actioned in Victoria since the 1997 Bringing Them Home Report:

- Legislative Responses:
 - Section 18 of the Children and Youth Families Act 2005
 - Section 50 of the Adoption Act 1984
- Victoria Government Responses:
 - In the Victorian Government initial response to the Bringing Them Home Report in 1997 and 1998 addressed this through development of Aboriginal family support programs and out of home care policies.⁹⁶
 - The Wungurilwil Gaggapduir: Aboriginal Children and Families Agreement was established in 2018 as a response to the Bringing Them Home Report

⁹⁰ Victorian Government, November 1998, Response to the Bringing Them Home Report - Implementation Status Report; Ministerial Council of Aboriginal and Torres Strait Islander Affairs, 2003, Evaluation of responses to Bringing Them Home Report

⁹¹ Mackillop Family Services, Ten Years on from Apology, <https://www.mackillop.org.au/stories/ten-years-on-from-historic-apology-there-is-still-much-work-to-be-done>; Children and Family Services Ballarat Incorporated, CAFS' History and Collection, <https://cafs.org.au/cafs-history-and-collection/>

⁹² Centre of Excellence in Child and Family Welfare, 2015, Beyond Good Intentions

⁹³ Berry Street, August 2006, Apology to the Aboriginal and Torres Strait Islander Communities, <https://www.berrystreet.org.au/about-us/our-history/apologies-to-those-who-suffered-harm-in-our-care/berry-street-apology-to-the-aboriginal-and-torres-strait-islander-communities>

⁹⁴ Victorian Government, November 1998, Response to the Bringing Them Home Report - Implementation Status Report

⁹⁵ Stolen Generations Reparations Consultation Results – See Appendix 2

⁹⁶ Victorian Government, November 1998, Response to the Bringing Them Home Report - Implementation Status Report



recommendations regarding Aboriginal children in the child protection system and self-determination.⁹⁷

- The current Victorian Aboriginal Children’s Forum implements and monitors the Wungurilwil Gagapduir, they were established in response to the 2013 Koorie Kids Growing Strong in their Culture Report.⁹⁸
 - The current child protection mechanisms of the Aboriginal Children in Aboriginal Care (ACAC) and the Transitioning Aboriginal Children are transferring responsibility of Aboriginal children in out-of-home care to an approved Aboriginal Community Controlled Organisation (ACCO).⁹⁹
 - The current Marram-Ngala Ganbu hearing process at the Family Division of the Children’s Court of Victoria was developed by a Koori-led process and aims to better accommodate the needs of Koori Families.¹⁰⁰
 - Significant child protection policy participation roles are resourced through the Victorian Aboriginal Child Care Agency (VACCA) and the Victorian Aboriginal Children and Young People’s Alliance.¹⁰¹
 - The Family Matters 2020 report states Victoria is currently developing further amendments to the Child Youth and Families Act 2005 to strengthen and extend self-determination reforms and embed all elements of the legislated Child Placement Principle. These have been led and driven by ACCOs.¹⁰²
 - In the Victorian Governments 1998 response to the Bringing Them Home Report a number of outcomes were actioned to educate the Victorian community on the experiences of Stolen Generations and to educate services on culturally safe practices.¹⁰³
 - The Victorian Government Curriculum currently includes Stolen Generations high school within a select few subjects.¹⁰⁴
- Current Non-Government Organisation Responses
 - In 2015 the Beyond Good Intentions Statement was released with the participation of VACCA and mainstream non-government agencies involved in child protection. This statement was in response to the Bringing Them

⁹⁷ Victoria Government, Department of Health and Human Services, April 2018, Wungurilwil Gagapduir: Aboriginal Children and Families Agreement

⁹⁸ Family Matters, 16 November 2020, Family Matters Report 2020

⁹⁹ Victoria Government, Department of Health and Human Services, Aboriginal Children in Care Program; Victoria Government, Department of Health and Human Services, Transitioning Aboriginal Children

¹⁰⁰ Family Matters, 16 November 2020, Family Matters Report 2020

¹⁰¹ Family Matters, 16 November 2020, Family Matters Report 2020

¹⁰² Family Matters, 16 November 2020, Family Matters Report 2020, Retrieved from

<https://www.familymatters.org.au/the-family-matters-report-2020/>

¹⁰³ Victorian Government, November 1998, Response to the Bringing Them Home Report - Implementation Status Report

¹⁰⁴ Victorian Government, Victorian Curriculum and Assessment Authority, History Curriculum Levels 5 and 6, <https://victoriancurriculum.vcaa.vic.edu.au/Curriculum/ContentDescription/VCHHK094>; Victorian Government, Victorian Curriculum and Assessment Authority, History Curriculum Levels 9 and 10, <https://victoriancurriculum.vcaa.vic.edu.au/Curriculum/ContentDescription/VCHHK154>; Victorian Government, Victorian Curriculum and Assessment Authority, Victorian Aboriginal Languages Curriculum, Levels 7 to 10, <https://victoriancurriculum.vcaa.vic.edu.au/Curriculum/ContentDescription/VCLVU191>



Home Report recommendations regarding self-determination in the child welfare system.¹⁰⁵

- VACCA's Return to Country program for children in out-of-home care.¹⁰⁶
- VACCA's Nugel ACAC program taking full responsibility for Aboriginal children and young people on Children's Court orders.¹⁰⁷
- VACCA's Cradle to Kinder program includes a holistic service providing parenting support, assistance to connect with family, community and Culture, health, finance, and education or employment.¹⁰⁸
- Bendigo and District Aboriginal Cooperative's Mutjang Bupuwingarrak Mukman ACAC program taking responsibility for Aboriginal children and young people on Children's Court orders.¹⁰⁹
- Upcoming implementation of ACAC programs at Ballarat and District Aboriginal Cooperative and Njernda Aboriginal Corporation.¹¹⁰

Outstanding matters:

- Overarching strategy and objectives relating to intergenerational trauma and the child protection system.¹¹¹
- The removal rate for Aboriginal children in Victoria is 90 per 1,000 and has been increasing every year.¹¹²
- In 2019 the second highest over-representation of Aboriginal children in out-of-home care was in Victoria.¹¹³ The Bringing Them Home Report states that Victoria had the first highest over-representation in 1993 indicating that little has changed statistically since this time.¹¹⁴
- Admissions to out-of-home care were at the highest rate in Victoria (38.4 per 1,000 children).¹¹⁵
- Between 2018 and 2019, there were 12 adoptions of Aboriginal and Torres Strait Islander children in Victoria, all to non-Indigenous adoptive parents. VACCA has reported that it was not consulted in relation to these adoptions.¹¹⁶
- The rate of Aboriginal and Torres Strait Islander children on long-term child protection orders was highest in Victoria (75.6 per 1,000).¹¹⁷

Measures of restitution

¹⁰⁵ Centre of Excellence in Child and Family Welfare, 2015, Beyond Good Intentions

¹⁰⁶ Family Matters, 16 November 2020, Family Matters Report 2020

¹⁰⁷ Family Matters, 16 November 2020, Family Matters Report 2020

¹⁰⁸ Victorian Aboriginal Child Care Agency, Cradle to Kinder Program,

<https://www.vacca.org/page/services/children-and-families/early-years-support/aboriginal-cradle-to-kinder>

¹⁰⁹ Family Matters, 16 November 2020, Family Matters Report 2020

¹¹⁰ Family Matters, 16 November 2020, Family Matters Report 2020

¹¹¹ Healing Foundation, 21 February 2020, Submission to Victoria Legislative Assembly and Social Issues Committee, Forced Adoptions Inquiry

¹¹² Family Matters, 16 November 2020, Family Matters Report 2020

¹¹³ Family Matters, 16 November 2020, Family Matters Report 2020

¹¹⁴ Human Rights and Equal Opportunity Commission, 1997, Bringing Them Home Report

¹¹⁵ Family Matters, 16 November 2020, Family Matters Report 2020

¹¹⁶ Family Matters, 16 November 2020, Family Matters Report 2020

¹¹⁷ Family Matters, 16 November 2020, Family Matters Report 2020



This report defines this aspect of reparations, as detailed in the Bringing Them Home Report, as the policies and practices in place to restore what was lost or stolen from Stolen Generations due to separation from family, community, Culture and Country. The following policies and practices on measures of restitution have been actioned in Victoria since the 1997 Bringing Them Home Report:

- Link-Up Victoria established in 1992, provides the following services to Stolen Generations:
 - Accessing records about separation from family including adoption files, and wardship records from children’s homes or other institutions
 - Researching family and cultural connections – liaising with Traditional Owner groups, interstate Link-Up services, record holders all over Australia
 - Obtaining birth, death and marriage certificates
 - Tracing and locating family members
 - Initiating contact with family members
 - Guidance with family issues
 - Family research advice
 - Providing cultural advice and information
 - Reunions (family, graveside, return to Country or back to institution)
 - Yarning Up (Counselling)
 - Referrals to appropriate services
 - Advocacy
- In 1997 the Victorian Government announced that the pre-existing Koorie Oral History Program, Koorie Heritage Trust would focus on recording Stolen Generations stories.¹¹⁸ This program remains in place today, however it now has a broader focus.¹¹⁹
- In 1998 the Victorian Government’s initial response to the Bringing Them Home Report committed funding toward training of two Aboriginal archivists and actioned a number of measures to preserve, index and increase accesibility of records.¹²⁰
- Also in the 1998 response the Victorian Government outlined a number of Culture and language programs and legislative changes that were in process, however none were specifically targeted at Stolen Generations.¹²¹
- In 2000 a Memorandum of Understanding was signed between the Director-General of the National Archives and the Chairman of VACCA to ensure easier access to Commonwealth records for Victorian Stolen Generations.¹²²
- In 2001 The Koorie Family History Service, Koorie Heritage Trust was established after development began in 1998. The Koorie Family History Service provides a

¹¹⁸ Victorian Government, November 1998, Response to the Bringing Them Home Report - Implementation Status Report.

¹¹⁹ Oral History Program and Collection, Koorie Heritage Trust, <https://korieheritagetrust.com.au/visit-us/collections/oral-visual-recordings/>

¹²⁰ Victorian Government, November 1998, Response to the Bringing Them Home Report - Implementation Status Report

¹²¹ Victorian Government, November 1998, Response to the Bringing Them Home Report - Implementation Status Report

¹²² Memorandum of Understanding, National Archives of Australia, <https://www.naa.gov.au/explore-collection/first-australians/bringing-them-home-name-index/first-australians-memorandum-understanding-victoria>



confidential client-based genealogical research and referral service for Stolen Generations and their descendants, as well as the Victorian Koorie Community, aged over 18. Clients are provided with their family tree and family history.¹²³

- The Koorie Records Taskforce, established in 2001 completed community consultations in 2001, contributed to training for community service organisations in 2001, completed training with Stolen Generations support workers in 2002, and developed the records finding aid 'Finding your Story' resource, published in 2005.¹²⁴
- In 2006, the Koorie Records Taskforce released 'wilam naling, knowing who you are Improving Access to Records of the Stolen Generations A Report to the Victorian Government from the Victorian Koorie Records Taskforce' based on consultations with records holding agencies and the Aboriginal community across Victoria. This significant report led to a number of outcomes.¹²⁵
- The Koorie Records Unit, Public Record Office Victoria and the Koorie Records Index of Names were established around 20 years ago following the recommendations of the 2006 'wilam naling' report and the 1997 Bringing Them Home Report.¹²⁶
- In 2007, 2010 and 2011, following the wilam naling report recommendations, the training package 'Know Your History, Preserve Your Culture' was held across Victoria to increase knowledge and enhance access to relevant records for the Aboriginal Victorian community.¹²⁷
- In 2012 the Koorie Records Taskforce published their final report and stated that one of their many achievements was the implementation of Common Access Guidelines across ten agencies, however more agencies are still to implement these.¹²⁸

Outstanding matters:

- Post reunion support, including return to Country reunion and learning Culture and language.¹²⁹
- Improving access to police, hospital, church and non-government records, including implementation of Koorie Records Taskforce Common Access Guidelines.¹³⁰
- Opportunities to record stories of the Stolen Generations in Victoria.¹³¹

¹²³ Koorie Family History Service, Koorie Heritage Trust, <https://korieheritagetrust.com.au/visit-us/korie-family-history-service/>; Victorian Government, November 1998, Response to the Bringing Them Home Report - Implementation Status Report

¹²⁴ Koorie Records Taskforce, January 2012, Victorian Koorie Records Taskforce Final Report; Koorie Records Taskforce, 2001, Finding Your Story - Community Forums Summary Report

¹²⁵ Koorie Records Taskforce, Department for Victorian Communities, May 2006, wilam naling, knowing who you are Improving Access to Records of the Stolen Generations A Report to the Victorian Government; Koorie Records Taskforce, January 2012, Victorian Koorie Records Taskforce Final Report

¹²⁶ Koorie Records Taskforce, Department for Victorian Communities, May 2006, wilam naling, knowing who you are Improving Access to Records of the Stolen Generations A Report to the Victorian Government

¹²⁷ Koorie Records Taskforce, January 2012, Victorian Koorie Records Taskforce Final Report

¹²⁸ Koorie Records Taskforce, January 2012, Victorian Koorie Records Taskforce Final Report; 5

¹²⁹ Stolen Generations Reparations Consultation Results – See Appendix 2

¹³⁰ Stolen Generations Reparations Consultation Results – See Appendix 2; Koorie Records Taskforce, January 2012, Victorian Koorie Records Taskforce Final Report

¹³¹ Stolen Generations Reparations Consultation Results – See Appendix 2



Measures of rehabilitation

This report understands this aspect of reparations, as detailed in the Bringing Them Home Report, as the policies and practices in place to improve the quality of life for Stolen Generations following the various detrimental impacts on social determinants due separation from family, community, Culture and Country. The following policies and practices on measures of rehabilitation have been actioned in Victoria since the 1997 Bringing Them Home Report:

- In 1998 the Victorian Government's initial response to the Bringing Them Home Report provided funding to increase the support that VACCA was able to provide Stolen Generations through healing programs, policy and practice and research.¹³²
- The Victorian Government established a Stolen Generations Taskforce in 2002 and they produced the Stolen Generations Taskforce Report in 2003. Following the recommendations in this report, Stolen Generations Victoria Ltd was established in 2005 to support and address the needs of people affected by practices and policies of removing Aboriginal and Torres Strait Islander peoples from family, community, Country and Culture.¹³³
- Connecting Home Ltd, was established after Stolen Generations Victoria Ltd closed in 2010 and is now the lead state funded organisation for supporting Stolen Generations through a broad range of case management, healing and education services.¹³⁴
- The 2017-2027 'Balit Murrup Aboriginal social and emotional wellbeing framework' states in the next four years it aims to support Stolen Generations programs that provide family history and connection to community, trauma counselling and referrals to healing and support services. The Balit Murrup framework states that Stolen Generations are a priority group within this framework and will be included on the Aboriginal Social and Emotional Wellbeing Reference Group.¹³⁵

Outstanding matters:

- Stolen Generations health care including Stolen Generations focussed trauma informed mental health and outcomes including within the Balit Murrup framework.¹³⁶
- Stolen Generations aged care services and end of life support services.¹³⁷
- Stolen Generations priority housing programs.¹³⁸

¹³² Victorian Government, November 1998, Response to the Bringing Them Home Report - Implementation Status Report

¹³³ Victorian Stolen Generations Taskforce, 2003, Stolen Generations Taskforce Report; Ministerial Council of Aboriginal and Torres Strait Islander Affairs, 2003, Evaluation of responses to Bringing Them Home Report

¹³⁴ Connecting Home, About Us, <https://connectinghome.org.au/about-us/>

¹³⁵ Victoria Government, Department of Health and Human Services, Balit Murrup, Aboriginal social and emotional wellbeing framework, 2017-2017

¹³⁶ Stolen Generations Reparations Consultation Results – See Appendix 2; Finity Consulting Pty Ltd, May 2021, Stolen Generations Reparations: Interim Report for Stolen Generations Reparations Steering Committee - Draft Findings [Final Report will be provided in late June 2021]

¹³⁷ Stolen Generations Reparations Consultation Results – See Appendix 2

¹³⁸ Stolen Generations Reparations Consultation Results – See Appendix 2; Finity Consulting Pty Ltd, May 2021, Stolen Generations Reparations: Interim Report for Stolen Generations Reparations Steering Committee - Draft Findings [Final Report will be provided in late June 2021]



- Stolen Generations voices within Aboriginal policy and decision making.¹³⁹
- Stolen Generations disability care and access within the disability sector and disability access to existing mainstream service provisions.¹⁴⁰
- Stolen Generations services in the justice system.¹⁴¹
- Needs based research into Victorian Stolen Generations and their descendants for developing evidence based practices including for intergenerational healing.¹⁴²

Monetary Compensation

This report undertands this aspect of reparations as the financial acknowledgment that recognises the hurt and suffering experienced by Stolen Generations due to separation from family, community, Culture and Country and subsequent loss of identity and sense of belonging.

Victorian Governments initial response to the Bringing Them Home Report in 1998 was not inclusive of monetary compensation.¹⁴³ Since then Victoiran has not previously provided monetary reparations to Victorian Stolen Generations, however some have been able to access redress for sexual abuse experienced in institutions through the National Redress Scheme. As noted above, at Chapter 1, the Victorian Government have now made a commitment to financial Reparations for Victorian Stolen Generations.

Victoria has made some important responses to recommendations in the Bringing Them Home Report, however there are many outstanding matters across all five Reparations components within the holistic Bringing Them Home Reparations model. The outstanding matters have been identified through data collection from consultation and research by the Steering Committee and will be responded to within the Steering Committee recommendations in this report.

2.4 Commonwealth Responses to the Bringing Them Home Report

In December 1997, the Commonwealth Government agreed that their response to the Bringing Them Home Report would be under the themes of family reunion and associated counselling services. They also stated that there would be no formal Government apology and that all issues of child welfare, adoption and juvenile justice would not be covered by a Commonwealth response, but that each state would respond individually under the relevant

¹³⁹ Stolen Generations Reparations Consultation Results – See Appendix 2; Finity Consulting Pty Ltd, May 2021, Stolen Generations Reparations: Interim Report for Stolen Generations Reparations Steering Committee - Draft Findings [Final Report will be provided in late June 2021]

¹⁴⁰ Stolen Generations Reparations Consultation Results – See Appendix 2; Finity Consulting Pty Ltd, May 2021, Stolen Generations Reparations: Interim Report for Stolen Generations Reparations Steering Committee - Draft Findings [Final Report will be provided in late June 2021]

¹⁴¹ Stolen Generations Reparations Consultation Results – See Appendix 2; Finity Consulting Pty Ltd, May 2021, Stolen Generations Reparations: Interim Report for Stolen Generations Reparations Steering Committee - Draft Findings [Final Report will be provided in late June 2021]

¹⁴² Healing Foundation, 21 February 2020, Submission to Victoria Legislative Assembly and Social Issues Committee, Forced Adoptions Inquiry

¹⁴³ Bringing Them Home: Implementation Progress Report. (1999). *Australian Indigenous Law Reporter*, 4(3), 67-113



jurisdiction legislation.¹⁴⁴ It is noted that this section does not cover every Commonwealth response to the Bringing Them Home Report but those which are significant.

The five measures that the Commonwealth funded in 1997 in response to the 54 Recommendations of the Report were:¹⁴⁵

- Digitisation and indexing of archival records to assist in family tracing and reunions.
- A national network of Link-Up services to assist in family tracing and reunions including enhanced funding to Link-Up services that were already established.
- Expanded and enhanced mental health services through the provision of 50 training Indigenous mental health workers to assist those suffering psychological distress as a result of family separations.
- An oral history project to record and preserve the stories and process of family separations. It was stated by the Government at the time that the Bringing Them Home Report was 'one sided' and that this oral history project include the stories of officials, police, missionaries, and hospital staff 'so that there is a rounded record for historical purposes'.¹⁴⁶
- Parenting support programs to address the impacts of Stolen Generations experiences on raising their own families.¹⁴⁷
- The Commonwealth response also included that the Aboriginal and Torres Strait Islander Commission (ATSIC) would use existing funds to support Culture and language programs.¹⁴⁸

This led to funding of the following responses to the recommendations:¹⁴⁹

- The Bringing Them Home Name Index of National Archives Australian Records relating to Stolen Generations. [Remains current]
- Establishment or expansion of Link-Up services in each state, Link-Up Victoria was established in 1992. [Remains current]
- The Bringing Them Home Counsellors workforce program established to provide support to people affected by the removal policies and practices of past

¹⁴⁴ Commonwealth Government, 1997, Cabinet Submission, Government response to the Human Rights and Equal Opportunity Commission's Report of the National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from their Families - Bringing Them Home, Item ID 32318996; Public Interest Advocacy Centre Ltd, June 2009, Restoring Identity: Final Report of the Moving Forward consultation project

¹⁴⁵ Commonwealth Government, 1997, Cabinet Submission, Government response to the Human Rights and Equal Opportunity Commission's Report of the National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from their Families - Bringing Them Home, Item ID 32318996; Public Interest Advocacy Centre Ltd, June 2009, Restoring Identity: Final Report of the Moving Forward consultation project

¹⁴⁶ Commonwealth Government, 1997, Cabinet Submission, Government response to the Human Rights and Equal Opportunity Commission's Report of the National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from their Families - Bringing Them Home, Item ID 32318996a

¹⁴⁷ Public Interest Advocacy Centre Ltd, June 2009, Restoring Identity: Final Report of the Moving Forward consultation project

¹⁴⁸ Public Interest Advocacy Centre Ltd, June 2009, Restoring Identity: Final Report of the Moving Forward consultation project

¹⁴⁹ Public Interest Advocacy Centre Ltd, June 2009, Restoring Identity: Final Report of the Moving Forward consultation project; Ministerial Council of Aboriginal and Torres Strait Islander Affairs, 2003, Evaluation of responses to Bringing Them Home Report



governments. In Victoria there are currently 13 Bringing Them Home Workers located within Aboriginal Community Controlled Health Organisations. [Remains current]

- Expansion of the social emotional wellbeing programs in regional areas. [Partially complete]
- The National Library of Australia Bringing Them Home Oral History Project which recorded 340 oral histories of various Stolen Generations and non-Indigenous employees involved in the removal or institutionalisation of Stolen Generations.¹⁵⁰ There are approximately 35 Victorian related oral histories in this collection that are publicly available. [Complete]
- National Library of Australian publication, 'Many Voices: Reflections on Experience of Indigenous Child Separation'. [Complete]
- Family support and parenting programs administered by Family and Community Services. [No longer funded]
- Innovative and cultural healing approaches administered by ATSIC. [No longer funded]
- Educational and training activities for health, justice, Link-Up and other relevant services. [Partially funded]

Further Commonwealth responses that have been actioned after the initial 1997 response are:

- In 2004 a memorial to Stolen Generations was established at 'Reconciliation Place' in Canberra.¹⁵¹
- On 13 February 2008 then Prime Minister of Australia, Kevin Rudd, made the now well-known national apology to Stolen Generations. The anniversary of each apology is now commemorated each year and in addition 26 May is also commemorated as 'Sorry Day'.
- In 2009 The Healing Foundation, a national body for Stolen Generations, was established with Commonwealth Government funding. Between 2009 and 2019 the Healing Foundation have assisted more than 45,000 people in their personal healing journeys and administered grants to fund around 670 community-based healing projects and organisational commemorative events.¹⁵² The Healing Foundation are also national advocates for Stolen Generations and their descendants, they undertake regular policy and research reports on the requirements of Stolen Generations and intergenerational healing.

As noted above, the Bringing Them Home Report made several recommendations in relation to a national compensation process to assist in healing for Stolen Generations. However, to date no national compensation process has followed and states have responded on an individual basis.

The Commonwealth response to the Bringing Them Home Report has been criticised in numerous reports, in 2007 an evaluation of the Bringing Them Home and other services

¹⁵⁰ Australian Human Rights Commission, Audio Testimonies - Bringing Them Home, <https://bth.humanrights.gov.au/our-stories/audio-testimonies>

¹⁵¹ Australian Human Rights Commission, Stolen Generations Timeline - Bringing Them Home, <https://humanrights.gov.au/our-work/education/track-history-timeline-stolen-generations>

¹⁵² Healing Foundation, 2019, Apology 11 Fact Sheet



stated 'The Government's response to the Bringing Them Home Report has been insufficiently documented, poorly coordinated and insufficiently targeted to meet the needs of the Stolen Generations'.¹⁵³ In 2017 the Healing Foundation stated 'Despite progress in some areas, there has never been a collaborative and systematic attempt to address the recommendations the report made. Most have never been implemented' and noted that this 'Failure to act has caused a ripple effect to current generations.'¹⁵⁴

Of the Commonwealth Government responses to the Bringing Them Home Report, four are still relevant to Stolen Generations in Victoria through Link-Up Victoria, Bringing Them Home Workers, the Bringing Them Home oral history project and the Bringing Them Home Name Index which assists in accessing family records at National Archives Australia.

2.5 Stolen Generations Victoria and Reparations

Stolen Generations, Aboriginal community organisations and non-Indigenous agencies in Victoria have long been advocating for a Reparations package from the time it was recommended in the Bringing Them Home Report 24 years ago.

In 2001 the Victorian Koorie Records Taskforce held community forums to focus on the implementation of Bringing Them Home Report recommendations. The purpose of these consultations was to raise awareness about how to access records and to learn about records access issues. The Taskforce consultations report notes that Reparations was raised at many of their community consultations, however, due to the focus of the Taskforce it was not able to be addressed.¹⁵⁵

In 2008 the organisation then known as Stolen Generations Victoria published a report titled 'Unfinished Business: Reparations, Restitution and Rehabilitation' based on consultation with members of the Stolen Generations across Victoria. The purpose of these consultations was 'aimed to communicate directly with members of the Stolen Generations within Victoria, hear their stories, share their tears and ascertain their needs'. The first recommendation in this report was Reparations for Stolen Generation. The other relevant recommendations from 2008 will be outlined further below in order to ensure that past voices of Stolen Generations are considered within this report.¹⁵⁶

In February 2020, the Healing Foundation provided a submission to Victorian Government which recommended [The Victorian Government] 'collaborates with other Australian governments and with Stolen Generations to co-design a universal, safe and culturally appropriate scheme for financial redress for Stolen Generations and their descendants.'¹⁵⁷ As noted above in March 2020 that the Victorian Government, former Minister for Aboriginal Affairs Gavin Jennings, announced a Reparations Scheme for Stolen Generations.

¹⁵³ Office for Aboriginal and Torres Strait Islander Health, Australian Government Department of Health and Ageing, May 2007, Urbis Keys Young Evaluation of the Bringing Them Home and Indigenous Mental Health Programs

¹⁵⁴ Healing Foundation, 2017, Bringing Them Home Report – 20 Years On

¹⁵⁵ Koorie Records Taskforce, 2001, Finding Your Story - Community Forums Summary Report

¹⁵⁶ Stolen Generations Victoria, 2008, Unfinished Business: Reparations, Restitution and Rehabilitation

¹⁵⁷ Healing Foundation, 21 February 2020, Submission to Victoria Legislative Assembly and Social Issues Committee, Forced Adoptions Inquiry



A number of Reparations and Redress Schemes across Australia, except in the Northern Territory and the Australian Capital Territory, have been accessible to Stolen Generations, although only three have focussed specifically on Stolen Generations. The details of these are outlined in Appendix 3. To assist in the development of this report, the Steering Committee have sought the advice of former staff from the Tasmanian and South Australian Stolen Generations Reparations Schemes. The current New South Wales Stolen Generations Reparations Unit has also provided information to assist the Steering Committee in the development of Victorian Stolen Generations Reparations.

2.6 Intergenerational Trauma and Victorian Stolen Generations Reparations

In June 2021 the Healing Foundation published new research which finds there are 11,500 descendants of Stolen Generations aged over 18 resident in Victoria.¹⁵⁸ The Royal Commission in Victoria's Mental Health system has estimated that around 47% of the Victorian Aboriginal population have a relative who was Stolen Generation.¹⁵⁹ According to research conducted by Finity Consulting there are approximately 9,500-11,300 Victorian descendants of Stolen Generations.¹⁶⁰ This indicates approximately 1/6 of the Victorian Aboriginal population that may be struggling with the impacts of intergenerational trauma. Further information on the Victorian Stolen Generations descendants population estimate will be provided in the Finity Consulting final report for the Steering Committee in late June 2021.

In 1997, recommendation four of the Bringing Them Home Report stated that family members, communities and descendants of Stolen Generations impacted by the separations of children from families should receive Reparations. The report stated that Reparations should be provided more broadly than just to Stolen Generations to recognise '...that the need for rehabilitation will be felt by the people who were removed, their families including their own children and grandchildren and their communities as a whole'.¹⁶¹

During the time period between the Bringing Them Home Report and current time intergenerational trauma has been further researched and identified as an ongoing issue for families of Stolen Generations.¹⁶² Although detailed research on how to address intergenerational trauma is still limited there are recent findings that have explored intergenerational trauma and the changes needed for family and community violence, Aboriginal women and Koori parenting in Victoria.¹⁶³ Intergenerational trauma is now

¹⁵⁸ Healing Foundation, 2 June 2021, Make Healing Happen: It's Time to Act

¹⁵⁹ Royal Commission into Victoria Mental Health System, 2021, Supporting Aboriginal Social Emotional Wellbeing, Volume 3, Chapter 20

¹⁶⁰ Finity Consulting Pty Ltd, May 2021, Stolen Generations Reparations: Interim Report for Stolen Generations Reparations Steering Committee - Draft Findings [Final Report will be provided in late June 2021]

¹⁶¹ Human Rights and Equal Opportunity Commission, 1997, Bringing Them Home Report

¹⁶² Healing Foundation, 2 June 2021, Make Healing Happen: It's Time to Act

¹⁶³ Australian Human Rights Commission, 2020, Wiyi Yani U Thangani; Women's Voices, Securing Our Rights, Securing Our Future; Guthrie, J., Thurber, K., Lovett, R. et al. 2020, 'The answers were there before white man come in': stories of strength and resilience for responding to violence in Aboriginal and Torres Strait Islander communities - Family Community Safety for Aboriginal and Torres Strait Islander Peoples Study Report; Gee, G., Lesniowska, R., Santhanam-Martin, R., & Chamberlain, C., 2020, 'Breaking the Cycle of Trauma – Koori Parenting, What Works for Us', *First Peoples Child & Family Review*, 15(2), 45-66



understood as ‘... the effects of traumatic experiences endured during childhood and adulthood being transmitted to subsequent generations.’¹⁶⁴

Research by the Healing Foundation and Maru Marri, University of New South Wales summarised the ongoing effects of intergenerational trauma experience for Stolen Generations and families as ‘the ongoing legacy of not adequately addressing the burden of trauma in the population of people who directly experienced it, and the transgenerational transmission of social, emotional and spiritual wellbeing problems as a result of connections that were severed or attenuated by past government policies.’¹⁶⁵

Victorian researcher Dr Graham Gee has noted the importance of considering intergenerational resilience when looking for solutions to healing intergenerational trauma ‘because it’s the strengths and the Cultures of Aboriginal people that provide the very sources of having survived’.¹⁶⁶ Intergenerational resilience has been defined as: ‘the processes whereby people ensure to the best extent possible that the next generations of human and other-than-human relations [i.e. the natural environment] have what they need to flourish’¹⁶⁷

In 2008 the Stolen Generations Victoria Report ‘Unfinished Business’ highlighted that the issue of ‘transgenerational impacts’ of Stolen Generations stating that ‘...removal effects not only the first generations, but second and third...’. This issue was raised at all community consultations during this time and as such all twelve recommendations made were aimed at healing for both Stolen Generations, families and communities.¹⁶⁸

In 2019 Dr Gee summarised the complexity of intergenerational trauma in Victoria as follows: ‘socio-historical and cultural risk factors such as being members of the stolen generation, and those that have experienced intergenerational cultural losses ... combined with intergenerational poverty and other social disadvantages such as poor access to education and housing – further compounded by alcohol and drug misuse – especially ice use at this time – and family violence, such as physical, emotional and childhood sexual abuse, and neglect – all of this contributes to re-traumatisation. And when you include ongoing experiences of racism, structural inequality and social exclusion that we see in this Country, you end up with younger generations who do not see a future for themselves, who do not see themselves represented in the future of this Country.’¹⁶⁹

In 2020 the Healing Foundation outlined a framework for healing intergenerational trauma in Victoria including the following components:¹⁷⁰

¹⁶⁴ Royal Commission into Victoria’s Mental Health System, 10 July 2019, Witness Statement of Dr Graham Gee

¹⁶⁵ Healing Foundation and Maru Marri, University of New South Wales, November 2014, A Resource for Collective Healing for Members of the Stolen Generations: Planning, implementing and evaluating effective local response

¹⁶⁶ Royal Commission into Victoria’s Mental Health System, 10 July 2019, Witness Statement of Dr Graham Gee

¹⁶⁷ Williams, L., and Claxton, N., 2017, ‘Recultivating Intergenerational Resilience: Possibilities for “Scaling DEEP” through Disruptive Pedagogies of Decolonization and Reconciliation’, *Canadian Journal of Environmental Education*, 22, 58-79

¹⁶⁸ Stolen Generations Victoria, 2008, Unfinished Business: Reparations, Restitution and Rehabilitation

¹⁶⁹ Royal Commission into Victoria’s Mental Health System, 10 July 2019, Witness Statement of Dr Graham Gee

¹⁷⁰ Healing Foundation, 21 February 2020, Submission to Victoria Legislative Assembly and Social Issues Committee, Forced Adoptions Inquiry



- Financial redress for Stolen Generations and descendants.
- A collective healing fund that expands support and resources for Stolen Generations organisations (and other organisations nominated by Stolen Generations) to deliver co-designed healing programs focused on the specific needs of Stolen Generations and their families.
- Works with other jurisdictions to resource and implement a national strategy for addressing intergenerational trauma, developed with Stolen Generations.
- Contribute to establishing a Communities for Healing program that is holistic, healing-informed, evidence-based, and community led.
- Support developing a national accountability framework to monitor and report progress towards achieving better outcomes for Stolen Generations and their descendants.

In 2021 The Victorian Mental Health Royal Commission reported at length on the impacts of intergenerational trauma for Aboriginal Victorians and stated ‘The Commission agrees that responding to these experiences requires a mental health workforce that understands how intergenerational trauma affects Aboriginal people’s trust of services and willingness to seek help, as well as the ‘intersections between systemic racism, family violence, trauma and mental health stigma’.¹⁷¹ The Royal Commission however did not specify further on this in their recommendations on mental health and trauma. The recommendations state that a ‘Statewide Trauma Service’ be established to ‘deliver the best possible mental health and wellbeing outcomes for people of all ages with a lived experience of trauma’ and that the Statewide Trauma Service conduct research, develop and deliver training, develop peer-led support services, facilitate access to specialist trauma expertise.¹⁷²

Victorian Responses to Intergenerational Trauma:

- The Victorian Aboriginal Affairs Framework identifies intergenerational trauma, under address trauma and support healing, as one of four areas Victorian Government should prioritise to enable self-determination.¹⁷³
- The ‘Korin Korin Balit-Djak Aboriginal health, wellbeing and safety strategic plan 2017–2027’ references the intergenerational trauma impacts on Aboriginal physical, social and emotional health.¹⁷⁴
- The 2017-2027 ‘Balit Murrup Aboriginal social and emotional wellbeing framework’ states ‘We will develop mental health literacy, acknowledge past, current and intergenerational trauma, enable opportunities for people to heal and recover, and adopt approaches that include whole-of-person and whole-of-community strategies.’¹⁷⁵

¹⁷¹ Royal Commission into Victoria Mental Health System, 2021, Supporting Aboriginal Social Emotional Wellbeing, Volume 3, Chapter 20

¹⁷² Royal Commission into Victoria Mental Health System, 2021, Supporting Aboriginal Social Emotional Wellbeing, Volume 1, Chapter 15

¹⁷³ Victoria Government, Department of Premier and Cabinet, Victorian Aboriginal Affairs Framework 2018-2023

¹⁷⁴ Victoria Government, Department of Health and Human Services, Korin Korin Balit-Djak Aboriginal health, wellbeing and safety strategic plan 2017–2027

¹⁷⁵ Victoria Government, Department of Health and Human Services, Balit Murrup, Aboriginal social and emotional wellbeing framework, 2017-2017



- The Nargneit Birrang - Aboriginal holistic healing framework for family violence, '...recognises intergenerational trauma from past policies and practices as an integral part of family violence and service design framework is responsive to requirements arising from this'.¹⁷⁶
- Victorian Aboriginal Health Service developed a parenting resource called 'Breaking the Cycle of Trauma, Koori Parenting, What Works for Us'.¹⁷⁷

Outstanding matters:

- Research and understanding of intergenerational trauma and holistic implementation of a community led healing strategy.¹⁷⁸

¹⁷⁶ Victoria Government, Family Safety Victoria, 2019, Nargneit Birrang - Aboriginal Holistic Healing Framework for Family violence, 2019

¹⁷⁷ Victorian Aboriginal Health Service, Resources, Breaking the Cycle of Trauma, Koori Parenting, What Works for Us, <https://www.vahs.org.au/koori-parenting-resources/>

¹⁷⁸ Healing Foundation, 21 February 2020, Submission to Victoria Legislative Assembly and Social Issues Committee, Forced Adoptions Inquiry; Royal Commission into Victoria's Mental Health System, 10 July 2019, Witness Statement of Dr Graham Gee



PART 1

**STOLEN GENERATIONS REPARATIONS PACKAGE AND OPERATIONAL
FRAMEWORK**



Chapter 3 Stolen Generations Reparations Package

Following consultation with Victorian Stolen Generations and other research the Steering Committee makes the following Reparations recommendations on a Stolen Generations Reparations package to best support and make amends to Stolen Generations in Victoria.

The following recommendations (1 to 11) will outline the Steering Committee recommendations for a Stolen Generations Reparations package in Victoria. These recommendations are made within the Bringing Them Home Report's Reparations components of financial reparations, apology and acknowledgement and measures of restitution.

Recommendation 1: The Steering Committee recommends that the reparations process be known as 'Stolen Generations Reparations' and 'the Stolen Generations Reparations package'.

This is recommended to avoid confusion with the National Redress Scheme which is open until 2027 and to align with national terminology, in that all previous jurisdictions (Tasmania, South Australia, New South Wales) used the term Stolen Generations Reparations. Reparations is also the terminology used within the Bringing Them Home Report. Additionally, it is recommended that the word Scheme is not added to the name of Stolen Generations Reparations due to the negative associations that some may have with the term.

Recommendation 2: The Steering Committee recommends that a Stolen Generations Reparations package be provided to eligible Stolen Generations removed in Victoria and that the package include a financial reparations payment, a funeral fund payment, an apology, post reunion support, a copy of personal records and the opportunity to record their story.

Stolen Generations Reparations Guiding Principle (1):

Recommendation 3: The Steering Committee recommends that the Stolen Generations Reparations package be made available to living Stolen Generations based on the principle of separation from family in Victoria. It is recommended that the principle of eligibility for the Victorian Stolen Generations Reparations package is inclusive and considers both the state policy and wider societal practice of assimilation and separation of Aboriginal children from family, community, Culture, and Country.

This principle does not differentiate between the type of removal, such as forced, coerced or relinquishment by either government or non-government organisations, or the consequence of removal, such as legal or informal foster care, adoption or institutionalisation

It is recommended that this guiding principle be used alongside the detailed eligibility recommendations listed at Chapter 4.4.

3.1 Financial Reparations

This report understands this aspect of reparations as the financial acknowledgment that recognises the hurt and suffering experienced by Stolen Generations due to separation from



family, community, Culture, Country and subsequent loss of identity and sense of belonging. Financial reparations is known as monetary compensation in the Bringing Them Home Report.

Reparations Payment

It is recommended that reparations payments be made to Stolen Generations to acknowledge the past wrongs made by the Victorian Government in supporting the policies and practices that allowed Stolen Generations to be separated from family, community, Country and Culture which led to a loss of identity and sense of belonging. It is noted by the Steering Committee that no amount of financial reparations can alleviate the pain and hurt that was inflicted on Stolen Generations. Instead, it is recommended that financial reparations be provided to assist in acknowledging the many and varied impacts experienced by Stolen Generations as a result of separation.

A Stolen Generations consultation participant stated that the most important part of Reparations for them was 'Some form of compensation for the loss of Culture, the loss of family connection, the physical, emotional, and sexual abuse that I had received during my time as a Ward of the State, that led me down the path of becoming an alcoholic at an early age. I know that nothing will ever compensate the memories and trauma that I have, but surely someone needs to pay for my loss for the damage done to me.' The Stolen Generations Reparations survey indicates 59 of 63 participants who identified as Stolen Generations would benefit from financial Reparations and 24 of 63 stated that it was the most important part of Reparations for them.

With respect to the longstanding advocacy for Victorian Stolen Generations Reparations payments and the many recommendations made nationally and statewide, including through the Reparations consultation process led by the Steering Committee, the following is recommended on financial reparations for Stolen Generations.¹⁷⁹

Recommendation 4: The Steering Committee recommends that the Stolen Generations Reparations package provide \$100,000 in individual reparations payments to eligible Victorian Stolen Generations.

It is noted that this recommendation is subject to the guiding principle listed at recommendation 3, Chapter 3, and the eligibility requirements noted at Chapter 4.4.

To fulfill this recommendation, it is further recommended by the Steering Committee that reparations payments should not be staggered according to level of abuse/s that may have occurred once a child was separated. The Steering Committee recommends that the Victorian Stolen Generations Reparations payment is made for the act of separation itself not the abuses that occurred as a consequence of removal. Staggered payments have been used in the National Redress Scheme, Western Australia and Queensland Redress Schemes to make payments against level of abuses that occurred in state care, further detailed at Appendix 3. It was found this is not appropriate for Stolen Generations Reparations in Victoria. In consideration of this strategy, it is also recommended that eligible

¹⁷⁹ Human Rights and Equal Opportunity Commission, 1997, Bringing Them Home Report; Stolen Generations Victoria, 2008, Unfinished Business: Reparations, Restitution and Rehabilitation; Healing Foundation, 2017, Bringing Them Home Report – 20 Years On; The Courier, 21 October 2018, 'Stolen Generation victim calls for Redress'; ABC News, 23 May 2017, Stolen Generations Survivors call for National Compensation Fund



Stolen Generations Reparation applicants will not be limited in making external claims for other abuse/s that occurred once removed and institutionalised within a state or non-government agency. This is also recommended in the Bringing Them Home Report.¹⁸⁰

Based on the eligibility recommendations in this report, Finity Consulting have completed research that finds for Stolen Generations Reparations payments in Victoria 'the participant estimate for financial Reparations is 1,000. There is significant uncertainty around this estimate. This is because there is no data on how many First Nations children were removed under Victorian government policies and how many are still alive. We also do not know how many First Nations people who were removed under Victorian government policies will apply for financial Reparations'.¹⁸¹ Based on this it is estimated the cost of financial reparations payments would be \$100 million (assuming recommendation 4 is fulfilled). Finity Consulting state that 'The estimated cost of Monetary Reparations varies from a low of \$65 million to a high of \$180 million under the sensitivities considered. This highlights the impact on cost of the uncertainty in the participant estimate.'¹⁸² Further information on the participant estimate research and cost modelling of the financial reparations component will be provided in the Finity Consulting final report for the Steering Committee in late June 2021.

Recommendation 5: The Steering Committee recommends that the financial reparations payment provided in the Stolen Generations Reparation package does not impact on social security allowance, taxation, the National Disability Insurance Service or any aged care or public housing income assessments.

It is also recommended that payments are not directed toward paying of 'state debts' without the consent of the applicant.

To fulfill this recommendation the following steps are required:

- Regulations will need to be passed within Commonwealth Government legislation to ensure that Victorian Stolen Generations Reparations payments are not defined as 'ordinary income' under subsection 8(1) of the Social Security Act 1991 and will not be considered under the Social Security income test and thereby do not impact on pension or other Centrelink payments.¹⁸³
- An agreement between the Australian Taxation Office and the Victorian Government that Reparations payments are not subject to income tax returns and thereby are not subject to standard taxation.¹⁸⁴
- An agreement between the National Disability Insurance Scheme (NDIS) and Victorian Government that NDIS payments are not impacted by a Reparations payment and that NDIS assessment staff are made aware of this throughout Victoria.
- Agreements with the Aboriginal Housing Victoria, Public Housing Victoria and any other public housing body, that Reparations payments do not affect eligibility for new

¹⁸⁰ Human Rights and Equal Opportunity Commission, 1997, Bringing Them Home Report

¹⁸¹ Stolen Generations Reparations: Interim Report - Draft Findings, May 2021, Finity Consulting Pty Ltd [Final Report will be provided in late June 2021]

¹⁸² Stolen Generations Reparations: Interim Report - Draft Findings, May 2021, Finity Consulting Pty Ltd [Final Report will be provided in late June 2021]

¹⁸³ NSW Government, Aboriginal Affairs NSW, Stolen Generations Reparations Scheme and Funeral Assistance Fund, Fact Sheet 5 – Centrelink, Tax and Social Housing Information

¹⁸⁴ NSW Government, Aboriginal Affairs NSW, Stolen Generations Reparations Scheme and Funeral Assistance Fund, Fact Sheet 5 – Centrelink, Tax and Social Housing Information



or continued social (public, community or Aboriginal) housing assistance, or rent payable calculations.¹⁸⁵

- Agreements with relevant aged care regulators that Reparations payments do not impact eligibility for aged care services.
- Agreement within the Victorian State Debt Collection agency that Reparations payments will not be utilised to pay state debts unless explicitly directed to do so by an applicant.

Funeral Fund

The Steering Committee heard throughout consultation a need to support Stolen Generations with end-of-life requirements including funeral funds. The Stolen Generations Reparations survey indicates 27 of 63 participants who identified as Stolen Generations would benefit from a funeral fund. As such the following recommendation is made to give Stolen Generations a dignity in death that they may have not always had in life.

Recommendation 6: The Steering Committee recommends that the Stolen Generations Interim Funeral Fund model be extended within the Stolen Generations Reparations package to become an ongoing Funeral Fund accessible to eligible applicants.

It is recommended the Funeral Fund amount of \$10,000 per eligible applicant be indexed yearly to reflect the increase in funeral costs over time.

It is recommended that the funeral fund be an extension of the interim funeral fund in that applicants to the Stolen Generations Funeral Fund will be provided with individual payments of up to \$10,000 to cover the costs of a funeral, headstone or plaque and/or repatriation of deceased Stolen Generations, or a combination of one or more components as requested by next of kin, executor, power of attorney, legal guardian or other relative. This fund should provide cost recovery of funeral costs to the applicant or pay for the required upfront costs to a funeral company, headstone or plaque company, and/or transportation company in consultation with the next of kin, executor, power of attorney, legal guardian, or other relative. It is recommended that this fund remain open for the period of time that Stolen Generations may require this fund, beyond the life of the Reparations package. Eligibility for the Funeral Fund should be assessed against the eligibility finding for the Stolen Generations application to the Stolen Generations Reparations package or through further research if the deceased Stolen Generations person did not apply to the Stolen Generations Reparations package.

As stated above, Finity Consulting have completed research that finds for Stolen Generations Reparations payments in Victoria 'the participant estimate for financial Reparations is 1,000. There is significant uncertainty around this estimate. This is because there is no data on how many First Nations children were removed under Victorian government policies and how many are still alive. We also do not know how many First Nations people who were removed under Victorian government policies will apply for financial Reparations'.¹⁸⁶ Based on this it is expected that there will be 1000 eligible

¹⁸⁵ NSW Government, Aboriginal Affairs NSW, Stolen Generations Reparations Scheme and Funeral Assistance Fund, Fact Sheet 5 – Centrelink, Tax and Social Housing Information

¹⁸⁶ Stolen Generations Reparations: Interim Report - Draft Findings, May 2021, Finity Consulting Pty Ltd [Final Report will be provided in late June 2021]



participants for the funeral fund. Further information on the participant estimate research and cost modelling for the funeral fund component of Reparations will be provided in the Finity Consulting final report for the Steering Committee in late June 2021.

In 2008 the Stolen Generations Victoria, *Unfinished Business 2008* stated 'Immediate funding be provided to enable all members of the Stolen Generations who have passed away have a headstone to mark their place of burial.'¹⁸⁷ This was also raised consistently throughout the Stolen Generations Reparations consultations led by the Steering Committee. The Stolen Generations Reparations survey indicates 33 out of 94 Stolen Generations and family would benefit from an Unmarked Graves Plaque Fund as part of a Reparations package.

Recommendation 7: The Steering Committee recommends that a fund be established to cover the costs of a plaque for unmarked graves, exhumation, repatriation, and burial on Country for family of deceased Stolen Generations persons removed in Victoria.

It is recommended that this fund be made accessible to the deceased Stolen Generations person's next of kin, executor, power of attorney, legal guardian or other relative. In this instance the Stolen Generations person must have passed away prior to the commencement of Reparations and have not accessed the Stolen Generations Interim Funeral Fund. This fund should provide cost recovery of unmarked grave costs to the applicant or pay for the required upfront costs, to an exhumation company, headstone or plaque company, transportation company and other associated legal costs in consultation with next of kin, executor, power of attorney, legal guardian, or other relative.

To fulfill this recommendation, it is recommended that a framework and guidelines for this be designed with the Stolen Generations Advisory Committee (detailed at Chapter 4.2, recommendation 14) and include the relevant legal considerations.

3.2 Reparations – Apology

As stated above, this report understands this aspect of reparations, detailed in the *Bringing Them Home Report*, as an apology to acknowledge the past wrongs done to Stolen Generations. The Steering Committee has considered the below consultation data and makes the following recommendations to ensure formal recognition of the Stolen Generations experience is included within Victorian Reparations.

To provide meaning and authenticity to a financial reparations payment it is recommended that a personal apology be made to Stolen Generations alongside the payment. The Stolen Generations Reparations survey indicates 25 of 63 participants who identified as Stolen Generations would benefit from a letter of apology and 14 out of 63 participants would benefit from a verbal apology.

Recommendation 8: The Steering Committee recommends that Stolen Generations receive a personal Victorian Government apology as part of the Reparations package.

To fulfill this recommendation, it is recommended that the apology be provided as an option of a personal letter of apology, a personal face to face apology with a senior member of Government, or no apology at all as requested by the applicant.

¹⁸⁷ Stolen Generations Victoria, 2008, *Unfinished Business: Reparations, Restitution and Rehabilitation*



It may also be considered that if a non-government church or charity agency was involved in the removal of the applicant the apology be shared by the current body representing the relevant non-government agency.

In addition, the Steering Committee make the following recommendation with relation to an apology to Stolen Generations.

Recommendation 9: The Steering Committee recommends that Victoria Police make a formal apology for their role in the separation of Stolen Generations children.

As noted above, in Chapter 2.3, Victoria Police are yet to make an apology to Stolen Generations as recommended in the Bringing Them Home Report. The Bringing Them Home Report states that between the 1950s and 1960s the Victorian Police had the legislative power to remove children under Victorian child protection legislation.¹⁸⁸ Research found that of the 150 Aboriginal children in Victorian institutions between 1956 and 1957, 'the great majority had been seized by the police and charged in the Children's Court with being in need of care and protection'.¹⁸⁹ Additionally, police attitudes were raised during consultations session with Stolen Generations about Reparations. 33 out of 94 respondents of the Stolen Generations Reparations survey indicated that police were involved in their own or their families separation from family.

3.3 Reparations – Measures of Restitution

As stated above, this report defines this aspect of reparations, detailed in the Bringing Them Home Report, as the policies and practices in place to restore what was lost or stolen from Stolen Generations due to separation from family, community, Culture and Country.

Post Reunion Support

Reunions with birth family are an integral part of healing for Stolen Generations and have been supported by Link-Up Victoria from 1992, prior to the Bringing Them Home Report. Under the Link-Up model Stolen Generations are supported to have one reunion, it has been noted by the Steering Committee and past recommendations that the first reunion is usually only the beginning of a long journey to reconnecting with family, community, Culture and Country.¹⁹⁰ Dr Jane McKendrick of the Victorian Aboriginal Mental Health Network was quoted in the Bringing Them Home Report in 1997: '... it has been my experience with some Aboriginal people who have been taken away from their families in childhood and who have had severe mental health problems in adulthood have really benefited from going home, spending time on their traditional land with their elders and extended family. The healing process might take a few years, but that is by far the best way to do that.'¹⁹¹ Some healing camps or programs to assist Stolen Generations to reconnect have been established in Victoria prior to this time and it is noted that these provide a model of the important post-reunion healing that has been occurring in Victoria due to these programs.¹⁹²

¹⁸⁸ Human Rights and Equal Opportunity Commission, 1997, Bringing Them Home Report

¹⁸⁹ Victoria Government, August 1996, Final Submission, Part 1, National Inquiry into the Separations of Aboriginal Children and Torres Strait Islander Children from their families

¹⁹⁰ Victorian Stolen Generations Taskforce, 2003, Stolen Generations Taskforce Report

¹⁹¹ Human Rights and Equal Opportunity Commission, 1997, Bringing Them Home Report

¹⁹² Healing Foundation, Bringing Them Home Wellbeing Group - Wathaurong Aboriginal Health Service, <https://healingfoundation.org.au/projects/wathaurong-aboriginal-health-service/>; Link-Up Victoria, Stolen



The opportunity to form an identity in relation to community, Culture, Country and language was an essential theme that was raised throughout consultation sessions across Victoria. Stolen Generations stated they want to connect to community, Culture, Country and language to address feelings of disconnection and to increase a sense of belonging. The opportunity to reconnect to Culture, Country and language was also noted as extremely significant in the Bringing Them Home Report and the 2008 Victorian Stolen Generations Report.¹⁹³

The Steering Committee's Stolen Generations Reparations survey indicates 30 of 63 participants who identified as Stolen Generations need better access to Culture, language and return to Country programs and 36 need better access to healing places. Many survey participants further noted that being on Country was a method of healing for them and that accessing and learning cultural practices such as weaving, cultural heritage and history, smoking ceremonies, languages, dreaming and creation stories have supported their healing. Some of the existing healing programs that were noted by survey participants as useful were Marumali Program (3), Ngarra Jarra Noun Healing Programs (4), Bringing Them Home Workers Programs (4) and Wulgunggo Ngalu Learning Place (1). A Stolen Generations participant stated that having a place to go and tell your story, connect with community (such as a Stolen Generations gathering place), and healing through art helps to build a sense of identity and gives people time to accept themselves.

The Steering Committee has considered this consultation data and considers the following recommendation as a response and in recognition of the ongoing support needed post-reunion for Stolen Generations to build a sense of identity and belonging.

Recommendation 10: The Steering Committee recommends that all current Victorian Stolen Generations services be enhanced to support Stolen Generations eligible for the Stolen Generations Reparations package through post reunion programs.

To fulfill this recommendation, it is recommended that post reunion programs should consist of four programs:

- Stolen Generations and family return to Country program, with a Traditional Owner welcome.
- Access to language programs.
- Access to healing camps or healing centres.
- Access to counselling needs as determined by Stolen Generations.

All post reunion programs are to ensure that Stolen Generations who are eligible for the Reparations package can access these programs as self-determined by themselves and that that applicants with a lived experience of disability are able to access support workers to guide them through these programs.

To fulfill this recommendation, it is advised that Traditional Owner groups are supported to better connect with Stolen Generations and develop practices to ensure that Stolen

Generations Healing Activities, <http://linkupvictoria.org.au/2018/03/21/healing-activities-for-the-stolen-generations/>; Link-Up Victoria, Stolen Generations Women's Healing, <http://linkupvictoria.org.au/2016/05/31/week-end-by-the-bay-event-for-women/>

¹⁹³ Human Rights and Equal Opportunity Commission, 1997, Bringing Them Home Report; Stolen Generations Victoria, 2008, Unfinished Business: Reparations, Restitution and Rehabilitation



Generations are acknowledged, welcomed back to Country and are able to relearn Culture. Additionally, it is suggested the Stolen Generations Advisory Committee (detailed at Chapter 4.2, recommendation 14) be engaged by Traditional Owners to provide advice and support on developing these practices.

As stated above, Finity Consulting have completed research that found ‘the participant estimate for financial Reparations is 1,000. There is significant uncertainty around this estimate. This is because there is no data on how many First Nations children were removed under Victorian government policies and how many are still alive. We also do not know how many First Nations people who were removed under Victorian government policies will apply for financial Reparations’.¹⁹⁴ Based on this it is expected that there will be 1000 eligible participants for the post reunion program. Further information on the participant estimate research and cost modelling for the post reunion programs component, including administrative and training costs, of Reparations will be provided in the Finity Consulting final report for the Steering Committee in late June 2021.

Records Access

It was consistently stated throughout consultation sessions across Victoria that access to records remains an ongoing issue for Stolen Generations. The Stolen Generations Reparations survey indicates that 33 of 63 participants who identified as Stolen Generations would benefit from access to family history and other records as a part of a Reparations package.

Recommendation 11: The Steering Committee recommends that eligible applicants to the Stolen Generations Reparations package are provided with a copy of their personal records if requested.

It is also recommended that a summary of the records is included and access to counselling and disability support is offered to assist with understanding the information within the records. It is noted that some applicants may request assistance from an existing Stolen Generations agency in this matter.

The summary of records should be provided in simple English and chronological order of information, further information about the research summary of records is provided at recommendation 29, Chapter 4.8.

A copy of personal records includes all government and non-government records created about the applicant’s removal and time in out of home care.

It is noted that this should not further delay requests for records that are already in place with existing record holding agencies.

¹⁹⁴ Stolen Generations Reparations: Interim Report - Draft Findings, May 2021, Finity Consulting Pty Ltd [Final Report will be provided in late June 2021]



Chapter 4 Stolen Generations Reparations Operational Framework

Based on research of previous Reparations and Redress operational functions, detailed at Appendix 3, and Stolen Generations Reparations consultation results, the Steering Committee makes the following recommendations (12-34) on the operational framework for the Stolen Generations Reparations package.

Stolen Generations Reparations Guiding Principle (2):

Recommendation 12: The Steering Committee recommends that the Reparations process provides a fully supported, accessible, transparent and trauma informed service.

It is important that to fulfill this recommendation that applicants are not required to re-tell their story in order to access the Stolen Generations Reparations package or enhanced services. As one Stolen Generations consultation participant stated 'No, no, no, don't bring up bad memories it makes me sick...'

4.1 Stolen Generations Reparations Interim Arrangements

Interim Payments

Throughout Reparations consultations with Stolen Generations across Victoria, it was consistently requested that Stolen Generations Reparations act with expediency due to the age and ill health of many Stolen Generations. As such the following is recommended.

Recommendation 13: The Steering Committee recommends that terminally or critically ill Stolen Generations applicants are provided with an interim payment of \$20,000 upon application.

The interim payments are recommended to be funded from the existing \$10 million allocated to Stolen Generations Reparations in 2020 to ensure expediency in making these payments.

The application to Reparations in this instance is to include a letter of confirmation from a health or aged care practitioner to confirm the terminal or critical of ill health of the applicant. Critically ill applicants are to include those who have been diagnosed with Dementia, Alzheimer's, or the onset of either. As noted below at recommendation 33, Chapter 4.11, from the time of application these applicants are to have access to legal support to establish power of attorney and develop a will where required.

Past Redress or Reparations packages have provided interim payments to elderly or ill applicants prior to a full assessment of eligibility, further information is provided at Appendix 3. For Stolen Generations Reparations Victoria, it is recommended that a basic threshold of eligibility be met before processing an interim payment, for example based on the applicants date of birth the person was certainly removed prior to 1976. It is recommended that the full assessment of these applications is made a priority to ensure the remaining reparations payment can be urgently paid to the eligible applicants.



Interim Funeral Fund

As an interim measure the Steering Committee recommended the establishment of a Stolen Generations Reparations Interim Funeral Fund for Stolen Generations who passed away between 1 January 2021 and the commencement of Stolen Generations Reparations to ensure that they were able to receive some measure of Reparations.

The Interim Funeral Fund was established in March 2021 and makes payments of up to \$10,000 to cover funerals, plaques and/or repatriation of deceased Stolen Generations and is administered by Connecting Home. At the time of this report (18 June 2021) 4 applications were received for the funeral fund, 3 were found eligible and 1 was found ineligible.

4.2 Accountability and Evaluation

The following recommendations detail the integration of accountability and evaluation mechanisms within Stolen Generations Reparations Victoria.

Recommendation 14: The Steering Committee recommends that a Stolen Generations Advisory Committee be established to provide advice on the implementation and operation of Stolen Generations Reparations. It is recommended that members of the Stolen Generations Advisory Committee are determined by the Stolen Generations community.

This is recommended to ensure that there is a mechanism for continuing Stolen Generations expertise and advice is included within the implementation and operation of all recommendations actioned from this report.

It is recommended that a nomination process be developed to ensure that Stolen Generations across Victoria are able to participate in the Stolen Generations Advisory Committee.

Recommendation 15: The Steering Committee recommends that an evaluation of the Stolen Generations Reparations package be implemented after one year of operation to ensure that the process is supporting Stolen Generations according to the guidelines recommended in this report.

It is recommended that concerning findings from evaluation and monitoring of Stolen Generations Reparations operations be addressed and advice sought from the above noted Stolen Generations Advisory Committee on changes required.

Recommendation 16: The Steering Committee recommends that this report be made publicly available so as transparency between the Victorian Government and Stolen Generations in Victoria is maintained.

This was raised as important throughout the Reparations consultation process and the Steering Committee make this recommendation to ensure the input of Stolen Generations across Victoria is acknowledged.

4.3 Administration

In relation to the administration of Stolen Generations Reparations in Victoria, the Steering Committee makes the following recommendations.



Recommendation 17: The Steering Committee recommends that the Department that administers Stolen Generations Reparations have quality experience in providing monetary compensation packages, have high standards of engagement and providing culturally appropriate, trauma informed services to Aboriginal people in Victoria.

The Bringing Them Home Report stated that ‘Whatever compensation mechanism is established, culturally appropriate assessment criteria and procedures which are expeditious, non-confrontational and non-threatening and which respect and accommodate cultural and linguistic needs, must be applied in the determination of compensation claims.’¹⁹⁵

Recommendation 18: The Steering Committee recommends that administrative guidelines are developed to oversee the operational function of the Stolen Generations Reparations package.

It is recommended that the guidelines are developed by the administering Department in line with the recommendations in this report and advice provided by the Stolen Generations Advisory Committee (detailed at Chapter 4.2, recommendation 14). This is recommended due to the lengthy process involved in developing legislative guidelines to oversee Reparations.

Recommendation 19: The Steering Committee recommends that the cost of administration come from an external budget to ensure the Stolen Generations Reparations package is able to provide recognition worthy of the Stolen Generations experience.

Further information on the administrative cost modelling of Stolen Generations Reparations will be provided in the Finity Consulting final report for the Steering Committee in late June 2021. It is noted here that administrative costs will need to be frontloaded to ensure that the high number of applications expected in the initial phase of Reparations can be processed with the expediency recommended at Chapter 4.8, recommendation 28.

Recommendation 20: The Steering Committee recommends that the Stolen Generations Reparations package be open to applications for 5 years to ensure that there is a lengthy window for applications.

4.4 Eligibility

There are a number of eligibility requirements that have been considered in relation to the Stolen Generations Reparations package in Victoria, as such the Steering Committee makes the following recommendations. These are to be used alongside the guiding principle at recommendation three, Chapter 3.

Adoption

The Stolen Generations Reparations survey indicates 10 of 63 participants who identified as Stolen Generations were adopted and a further 8 of 47 participants had a family member who was adopted. With respect to the experience of Victorian Stolen Generations who were separated from family by adoption, as noted at recommendation three, it is recommended by

¹⁹⁵ Human Rights and Equal Opportunity Commission, 1997, Bringing Them Home Report



the Steering Committee that Stolen Generations who were adopted be eligible for the Stolen Generations Reparations Victoria.

To fulfill this recommendation, it is recommended that this include Stolen Generations whose parents signed a consent to adopt form under duress or undue influence. This is recommended to ensure, as noted at recommendation 3, that assessment consider the broad historic policy and assimilation practices in place aimed to separate Aboriginal children from family, community, Culture and Country. In order to fulfil this, the Reparations guidelines are to ensure that the threshold of evidence used to assess applications for adopted Stolen Generations are flexible in looking at adoption records and consider the broad assimilation practices where a 'consent to adopt' record exists. The Bringing Them Home Report descriptions of 'duress' and 'undue influence' can be utilised within assessment as a way to look beyond the face value of existing adoptions evidence, such as a signed consent form, and understand the contexts of policy and practice that led to Aboriginal mothers signing consent to adopt forms.¹⁹⁶

End Date

The Stolen Generations Reparations survey indicates the following statistics out of 94 participants who identified as Stolen Generations or a family member of Stolen Generations:

- 6 Stolen Generations were separated between 1920s and 1940s.
- 28 Stolen Generations were separated from family between 1940s and 1960s.
- 40 Stolen Generations were separated from family between 1960s and 1970s.
- 0 were separated in 1980s.
- 4 Stolen Generations did not know when they were separated from family and 3 descendants did not know when their relative was removed from family.

Recommendation 21: The Steering Committee recommends that to be eligible for the Stolen Generations Reparations package the applicant must have been removed prior to 31 December 1976.

This is based on the establishment of the Victorian Aboriginal Child Care Agency at the end of 1976 and the subsequent changes in children protection for Aboriginal children following this (further details at Chapter 2.1).

It is further recommended that research be completed to review the period between 1977 and 1990 to assess the continuance of removals that could be considered as Stolen Generations. Once complete a report should be provided to the independent assessment panel for further delineation and guidance around eligibility for applicants for apply within this time period.

Interstate

With respect to jurisdictional responsibility for Stolen Generations removals the following recommendation is made.

Recommendation 22: The Steering Committee recommends that to be eligible for Reparations in Victoria the first act of removal must have occurred in Victoria by a Government or non-government agency.

¹⁹⁶ Human Rights and Equal Opportunity Commission, 1997, Bringing Them Home Report



For example, those who were removed to Victoria from New South Wales and Queensland under the Harold Blair Holiday Project or those who were removed from Northern Territory to Victoria under Commonwealth Government or church schemes would not be eligible for Victorian Stolen Generations Reparations as the initial act of removal did not occur in Victoria.

However, those that were removed from Victoria to another state would be eligible for Victorian Stolen Generations Reparations as the initial act of removal occurred in Victoria. The Stolen Generations Reparations survey indicates 12 out of 94 participants who identified as Stolen Generations or family members were removed from Victoria to another state.

The Steering Committee recommends that although Stolen Generations removed from another state to Victoria would not be eligible for the Reparations package, they would be eligible for any Stolen Generations health, mental health and aged care services enhanced under an extension of Reparations as recommended in Chapter 5.3.

The Steering Committee further recommends that applicants who are found ineligible for this reason are advised by the Departmental Reparations Unit about what support to seek in their original state of removal.

Non-Government Placements

Previous research found that until 1954 in Victoria there was no regulation of the non-government sector, this then allowed for non-government organisations to informally separate Stolen Generations children from family.¹⁹⁷ As noted above, at Chapter 2.1, it was found in 1968 that over 300 Aboriginal children had been informally separated at that time.¹⁹⁸ Due to this history, the Steering Committee recommends, as noted at recommendation three, that those children separated from family in Victoria by non-government organisations should be considered eligible.

The Bringing Them Home Report found that temporary informal foster care arrangements in Victoria were frequently the beginning of a permanent separation of Aboriginal children from their family and community.¹⁹⁹ The Stolen Generations Reparations survey indicated that 15 out of 94 Stolen Generations participants or family were separated via non-government organisations. As noted above, at Chapter 2.1, some of the relevant non-government charity organisations involved with the Welfare Board were the Save The Children Fund, the Apex Clubs or the Country Women's Association.²⁰⁰ Non-government church organisations were also involved with the institutionalisation of Aboriginal children in Victoria and should be considered within this recommendation.

¹⁹⁷ Haebich, A., 2000, *Broken Circles: Fragmenting Indigenous Families 1880-2000*, Fremantle, Fremantle Arts Centre Press

¹⁹⁸ 'Ministry of Aboriginal Affairs', 30 September 1968, Ministry of Aboriginal Affairs Annual Report 1967- 1968, Item ID 31532602

¹⁹⁹ Human Rights and Equal Opportunity Commission, 1997, *Bringing Them Home Report*

²⁰⁰ 'Aborigines Welfare Board', January 1960, Minutes of meetings – Aboriginal Welfare Board 1959-1961, Item ID 1046524; Victoria Government, January 1996, Interim Submission, Part 1, National Inquiry into the Separation of Aboriginal Children from their families



Criminal History

With respect to the high number of Stolen Generations who have experienced a life that has led to a criminal history, as noted at Chapter 5.3, the Steering Committee makes the following recommendation.

Recommendation 23: The Steering Committee recommends that Victorian Stolen Generations who are incarcerated should be eligible for Stolen Generations Reparations, however it is recommended that applicants who have committed an indictable or serious offence against another person should have their application reviewed by an independent assessment process.

The Steering Committee recommends that an Independent Assessment Process should consider the complexities of rehabilitation, the history of offences and be developed with the Stolen Generations Advisory Committee (detailed at Chapter 4.2, recommendation 14).

Length of Time in Care

With an understanding of the lifelong impacts for Stolen Generations who were separated from family for the duration of their childhood, the Steering Committee makes the following recommendation.

Recommendation 24: The Steering Committee recommends that eligible applicants to the Reparations package must have been separated from family for a period of time that resulted in the experience of loss of family, community, Culture, identity and language.

It is recommended that the onus to establish this is not placed on the applicant but will instead be assessed by the independent assessment panel to ensure the process remains trauma informed and does not require any applicant to re-tell their story.

It is recommended that if an applicant was separated from family for a period of time that did not lead to loss of family, community, Culture, identity and language, they will be able to access Reparations counselling or mental health services.

The Stolen Generations Reparations survey indicates the following statistics out of 94 participants, Stolen Generations and family:

- 3 Stolen Generations were separated from family for between 1 and 6 months.
- 1 Stolen Generations person was separated from family for between 6 to 12 months.
- 7 Stolen Generations were separated for between 1 and 5 years.
- 13 Stolen Generations were separated for between 5 and 10 years.
- 45 Stolen Generations were separated for over 10 years.
- 12 participants did not know how long they or their family was removed for.

4.5 Publicising and Promoting

The Bringing Them Home Report recommended that any monetary reparations be accompanied by the widest possible publicity.²⁰¹ The Stolen Generations Reparations survey indicates the following statistics from 63 participants who identified as Stolen Generations:

²⁰¹ Human Rights and Equal Opportunity Commission, 1997, Bringing Them Home Report



- 26 participants stated that they would prefer to be provided with information about Reparations through an Aboriginal Co-operative.
- 25 participants stated that they would prefer to be contacted directly by mail, phone or email to receive information about Reparations.
- 22 participants stated they would prefer to be provided with information about Reparations from a disability (8), prison (6), justice (4), Stolen Generations, noted as Connecting Home or Bringing Them Home Worker (4), service.
- 19 participants stated they would prefer to be provided with information about Reparations from Facebook.
- 16 participants stated they would prefer to be provided with information about Reparations from community members.

Based on these results and the collective experience of working with Stolen Generations, the following is recommended.

Recommendation 25: The Steering Committee recommends that the publicising and promotion of the Stolen Generations Reparations is age appropriate and broad reaching. It is recommended that any promotions be developed using straightforward language, imagery and accessible video promotion.

To fulfill this recommendation, it is recommended that the promotion go beyond the usual means of social media to ensure that any promotion reaches those who are outside of the Victorian Aboriginal community networks. This includes promotion in mainstream media, information for those who are incarcerated, information for those who may be in mainstream aged care facilities, and those Victoria Stolen Generations who may be living interstate.

It is also recommended that the term Stolen Generations and Reparations are made clear in any promotions using the terminology noted above in this report as a reference point.

It is important to consider all abilities in all promotional and information developed about the Stolen Generations Reparations. As a Deaf Stolen Generations consultation participant stated they were 'lost and stolen' as they 'never understand or get things in our first language, sign language'. An example of a promotional video which includes Auslan, captioning and voiceover, to ensure that all accessibility considerations are included, was completed for the Reparations consultations by Auslan Consultancy and can be seen [here](#). It is recommended that this format be used for Stolen Generations Reparations promotion. Please note that this video is held under intellectual property and cultural rights and is not for further distribution.

It is essential that all online and physical promotion developed uses plain language to be accessible to all, easy English including symbols and imagery to be accessible for those with a lived experience of disability, can be transferred into Auslan, and meets the AAA web content standards. This includes all media announcements, websites, flyers, posters, and promotional outreach sessions. Promotional outreach sessions must include accessibility, disability support workers and Auslan interpreters.

4.6 Application Process

The following recommendations details the application process for Stolen Generations to apply to Reparations.



Recommendation 26: The Steering Committee recommends that the application process be simple and accessible to all and able to be completed in writing, transcribed orally or through an interpreter, translation, carer or support service.

A Stolen Generations consultation participant stated that the most important part of Reparations for them was that the application process be simple and straightforward, so it does not re-traumatise people or require them to remember or talk about their story.

An example application form is provided at Appendix 5 to indicate the trauma informed requirements expected from a Stolen Generations Reparations application form in Victoria. Please note that a very plain language and easy English version and an Auslan version should also be developed.

To ensure a trauma informed process, the following components are recommended to include in an application process:

- It is recommended that the Stolen Generations Reparations Unit provides support for completing applications and that external agencies currently engaged to provide support to Stolen Generations Reparations in Victoria, including those with a lived experience of disability, are funded to support applicants to complete applications to the Reparations package. Further information on the participant estimates and cost modelling for this component of support for applicants to Reparations will be provided in the Finity Consulting final report for the Steering Committee in late June 2021.
- It is recommended that the application process does not require a detailed re-telling of the applicant's story.
- It is recommended by the Steering Committee that the application provide an option for the applicant to include a nominee to contact in case of emergencies or death.
- It is recommended by the Steering Committee that the application process not be accompanied by legal requirements, but that legal advice is offered to applicants during the application process.

The Stolen Generations Reparations survey indicates the following statistics out of 63 participants who identified as Stolen Generations:

- 30 participants stated that they would prefer to complete a simple application
- 29 participants stated they would prefer to complete an application with a support worker, support workers were further specified by four participants as Ngarra Jarra Noun (2), Aboriginal Co-Operative worker (1) or family member (1).
- 26 participants stated that they would prefer to complete an application with Reparations staff for assistance.
- 9 participants stated they would like to complete a detailed application form, with one further specifying they would like to tell their story on the form.

4.7 Threshold of Evidence

The Steering Committee has found that the threshold of evidence must not be a barrier for applicants in accessing the Reparations Scheme, including for those with a lived experience of disability. Given this the following recommendations are made.

Recommendation 27: The Steering Committee recommends that processes are developed to ensure the onus is on the Departmental Stolen Generations Reparations Unit to locate evidence to assess applications.



This is recommended to avoid unnecessary stress on applicants and ensure the process remains trauma informed.

It is also recommended that the threshold of evidence be low when assessing eligibility for the Scheme. A low threshold of evidence may be a short report that summarises, based on personal or other records, only what is required under the eligibility requirements recommended in this report, Chapter 4.4. Rather than a full and complete history of the applicant's time separated from family. It is noted in some cases a full and complete history may be required in order to establish Aboriginality. It is noted that existing Stolen Generations services in Victoria may assist in confirming Aboriginality.

To fulfill this recommendation, it is recommended that the Stolen Generations Reparations application form include an applicant's consent to access records on their behalf so that the Departmental Reparations Unit can access records from multiple government and non-government agencies to assess claims. Additionally, it is recommended that the application process offer the applicant the opportunity to provide evidentiary records or file numbers if they wish but to ensure it is made clear that this not a requirement. Please see both of these requirements outlined at Appendix 5.

To fulfill this recommendation, it is also recommended by the Steering Committee that the Victorian Government ensure the Departmental Reparations Unit have access to all relevant Government and non-Government records for the purposes of evidence and assessment. There are a number of relevant records holding agencies that may be required to assess a Stolen Generations Reparations application. Those considered essential are:

- National Archives Australia,
- Public Record Office Victoria,
- Department of Families Fairness and Housing,
- Adoption and Births, Deaths and Marriages, Department of Justice and Community Safety
- Department of Health,
- Victorian private hospitals,
- Victoria Police,
- Department of Education,
- Non-government agencies such as Anglicare Victoria, Berry Street, Good Shepherd Australia, Mackillop Family Services, Uniting Heritage Service, Salvation Army, Anglican Diocese of Ballarat and Wangaratta, Melbourne City Mission,
- State Library Victoria collections such as Dianne Barwick records,
- Private collections such as those held at Melbourne University Archives or the Doxford Harris Indexes.

It is noted that any additional resourcing required for the above agencies that this be funded from a separate budget to ensure the Stolen Generations Reparations package is able to provide recognition worthy of the Stolen Generations experience.

It is recommended that if personal records about separation from family are not located in the first instance that a holistic evidentiary process is completed. For example, historical policy documentation, education records, hospital records, police records, or other relevant searches, to ensure that the guiding principle, at recommendation 3, Chapter 3, of



separation under an assimilation ideology and not only the instrument of removal, i.e., foster care, adoption, institutionalisation, is considered in locating evidence.

4.8 Assessment of applications

The following recommendations details the assessment process to find applicants to Stolen Generations Reparations eligible or ineligible.

Recommendation 28: It is recommended that all assessments be prioritised based on age and health of applicants and that assessments are generally streamlined to ensure expedient outcomes for all applicants.

For example, any Stolen Generations applicant over the age of 60 and/or who is terminally ill would be in the highest priority category.

Recommendation 29: The Steering Committee recommends that an independent assessment panel of six people, including a Stolen Generations position as chair, be established to assess and review appealed Stolen Generations Reparations claims.

It is recommended by the Steering Committee that the independent assessment panel assess claims based on a summary of evidence provided by the Departmental Reparations Unit. It is recommended that assessment consider the guiding principles (1) and (2) noted above to ensure that the scheme is trauma informed, streamlined, and within the eligibility recommendations.

It is recommended that assessment process be guided by the following:

1. Departmental Reparations Unit complete a research summary of records available about the applicants separation including year of removal, length of time in care and state of removal, based on above eligibility and low threshold of evidence recommendations.
2. Departmental Reparations Unit provide the research summary to applicant to ensure the summary is accurate and to include any additional information not provided by the records. It is recommended that access to counselling and disability support is offered to assist with understanding the research summary. This research summary should be provided as part of recommendation 11, Chapter 3.3 once an applicant is found eligible.
3. Departmental Reparations Unit provide research summaries to groups of three panel members for assessment and to ensure the below review process, detailed at Chapter 4.10, can be fulfilled.
4. If an applicant is found eligible they are to be provided with a letter or verbal information that offers the payment and associated support, as detailed at Chapter 4.9, an apology as at recommendation 8, Chapter 3.2, access to a copy of personal records as at recommendation 11, Chapter 3.3, post reunion programs as at recommendation 10, Chapter 3.3, and the opportunity to record their story as at recommendation 40, Chapter 5.3.
5. If an applicant is found ineligible they are to be provided with a letter or verbal information about the review process as outlined at Chapter 4.10.

The assessment panel is recommended to be majority Aboriginal people, have an appropriate gender balance and disability representation. It is recommended that members have a thorough understanding of Stolen Generations history and experiences, experience in decision making on complex matters, they may be distinguished in matters such as public administration, policy development or advocacy, law, state or national redress schemes. It is



recommended that comprehensive conflict of interest and privacy policies are established to support an unbiased and confidential assessment process.

The Bringing Them Home Report also recommended that any applications for monetary reparations include independent decision making which should include Aboriginal people.²⁰²

4.9 Administration of Payments

The following recommendations detail the offering and making the final reparations payment to eligible applicants.

Recommendation 30: The Steering Committee recommends that any previous payment received by an applicant for abuse due to separation from family, such as civil litigation payment or National Redress Scheme payment, not impact on eligibility for and the amount received from the Stolen Generations Reparations package.

Recommendation 31: The Steering Committee recommends that if an eligible applicant passes away during the Reparations assessment process the financial Reparations are paid into their estate.

To complete this recommendation, it is noted that the following should be considered:

- Free legal support to families of the deceased for complex estate matters. Please see recommendation 33, Chapter 4.11 for more details on legal support services.
- An agreement with Victorian Public Trustee is established to ensure that any applicants who have their financial affairs managed by the Public Trustee can receive payments in full and not subject to any Public Trustee fees.

It is recommended that the administration of payments process should also consider the following:

- On offering a reparations payment to successful applicants ensure that legal and financial counselling are offered prior to making payment.
- On offering a reparations payment to successful applicants ensure a self-determination approach is used in making the payment, and a full and complete understanding how an applicant wants to receive payment prior to making it.

4.10 Review and appeals

The following recommendations details the review process for applicants to Stolen Generations Reparations who were found ineligible.

Recommendation 32: The Steering Committee recommends that all applicants found ineligible have the right to appeal the decision and are informed of the support in place to assist if required and of the process for how to appeal.

The Steering Committee recommends that the appeal undergo a process based on the following:

²⁰² Human Rights and Equal Opportunity Commission, 1997, Bringing Them Home Report



1. An internal review by the Departmental Reparations Unit ensuring that all research avenues have been exhausted under the guiding principles and eligibility requirements have been reviewed.
2. An external review is made by the three panel members from the assessment panel, noted above at Chapter 4.8, that were not involved in the initial assessment of the claim.

4.11 Support Services for Applicants

Based on research of past Stolen Generations Scheme support services and the expertise of the Steering Committee in working with Stolen Generations the following is recommended.

Recommendation 33: The Steering Committee recommends that applicants to the Stolen Generations Reparations package are able to access free legal support, financial counselling, trauma informed counselling, disability advocacy, and support workers for those with a lived experience of disability to support them through the Reparations process. This also applies to those who are incarcerated or under guardianship.

To fulfill this recommendation, the following are to be considered:

- It is recommended that the applicant be provided support during the application process, including for certified copies of identification, the assessment period, the payment period and after receiving the Reparations package. It is recommended that rules of engagement are developed to ensure this occurs with the required support worker/s.
- That external agencies engaged to provide support to Stolen Generations Reparations applicants include those that currently provide services to Stolen Generations.
- That external agencies engaged to provide to support Stolen Generations Reparations applicants receive additional funding to meet the increased caseload.
- That additional uncapped funding is provided for disability support workers outside of an applicant's National Disability Insurance Scheme benefit. This is to ensure that those with a lived experience of disability are supported to engage, participate, apply and receive continuity of care through the Stolen Generations Reparations process.
- That all disability advocacy services, Aboriginal Co-Operatives and service providers are educated and informed of the support services in place to support applicants to Stolen Generations Reparations.
- That any service options provided are not limited by regional options and support for applicants to travel to urban areas for support is provided.
- It is noted that legal advice should not be a requirement of the application process but rather offered to those who may need assistance for example with legal guardianship, developing a will, financial coercion, or recovering lost funeral funds. The Bringing Them Home Report also stated that any monetary reparations be accompanied by free legal advice for applicants.²⁰³ It is recommended that the Victorian Government promote and provide clear information about the service providing free legal advice that is made available for Stolen Generations Reparations

²⁰³ Human Rights and Equal Opportunity Commission, 1997, Bringing Them Home Report



applicants. This is to ensure that applicants are not coerced by legal agencies into applying for Reparations via a legal service who will then receive part of the financial reparations under a legal firm's cost agreement. More information on what to avoid can be found through an ABC investigation into legal coercion and the National Redress Scheme [here](#).

Further information on the participant estimates and cost modelling for these components of support for applicants to Reparations will be provided in the Finity Consulting final report for the Steering Committee in late June 2021.

The Stolen Generations Reparations survey indicates the following statistics out of 63 participants who identified as Stolen Generations:

- 31 participants indicated they would be supported through a Reparations process with a Social and Emotional Wellbeing Counsellor.
- 24 participants indicated they would be supported through a Reparations process with a Bringing Them Home Worker
- 12 participants indicated they would be supported through a Reparations process with disability or NDIS support.
- 19 participants indicated they would be supported through a Reparations process with a legal agency (9), financial planning agency (7) or corrective services (3).
- 9 participants further detailed they would be supported through Ngarra Jarra Noun (1) or a similar targeted service (1), family support (2), support group lead by a counsellor (1), interstate assistance (1), Connecting Home (1), Reparations staff (1), or a support worker who could transcribe the information (1).
- 7 participants indicated they would not need support through a Reparations process.

Recommendation 34: The Steering Committee recommends that a high-quality referral process is developed to ensure that applicants are receiving wrap-around support during and after the Reparations process.

It is recommended that existing services that provide support to Victorian Stolen Generations be considered in all referrals to ensure that experienced trauma informed care can be provided. It is also recommended that a high-quality referral process be provided to any applicants who apply but are ineligible for Reparations. This is to ensure that the Reparations process maintains responsibility for the wellbeing of all applicants.



PART 2

**STOLEN GENERATIONS REPARATIONS ENHANCED SERVICE PROVISION AND
POLICY RESPONSES**



Chapter 5 Stolen Generations Reparations Enhanced Service Provision and Policy Responses

Following consultation with Victorian Stolen Generations and other research the Steering Committee makes the following Reparations recommendations to best support and make amends to Stolen Generations and their descendants in Victoria.

Recommendations 35 to 56 will further detail the recommendations relating to the extension of Reparations into enhanced service provisions and policy responses to create a holistic Reparations response for Stolen Generations and family in Victoria. These recommendations are made within the Bringing Them Home Report's Reparations components of apology and acknowledgment, measures of restitution, measures of rehabilitation and guarantees against repetition.

Recommendation 35: The Steering Committee recommends that the full scope of Reparations be completed as recommended in the Bringing Them Home Report and that this be reflected further then the Stolen Generations Reparations package in enhanced service provisions and policy changes.

It is recommended that all enhanced service provision and policy responses run alongside the Victorian Stolen Generations Reparations package and beyond the timeline of the Reparations package to ensure continued healing and improved quality of life for Stolen Generations and their descendants.

There has been long term advocacy and recommendations made previously to consider the holistic needs of Stolen Generations in Victoria. In 2008 Stolen Generations Victoria recommended that Stolen Generation have improved 'Access to health, housing, education and legal services ... to ensure members [Stolen Generations] have their needs appropriately met.'²⁰⁴ In February 2020, the Healing Foundation provided a submission to Victorian Government which recommended 'programs and policies that are co-designed with Stolen Generations to holistically address their specific needs, prioritising the areas of aged care, disability, health and housing.'²⁰⁵

The Steering Committee also found these outcomes in the consultation results from Stolen Generations across Victoria and socio-economic data collected by Finity Consulting.²⁰⁶ One consultation participant recounted an experience that reflects the need for holistic changes in service provision and policy responses. The Stolen Generations participant stated that they recently experienced a health issue which led to them being in hospital where they experienced racism and were not released due to having no address. This negatively affected the participant's mental health. No referral to a support service was made by the health system and after being referred onwards by numerous services this participant now has assistance to complete a priority housing application in order to better their health,

²⁰⁴ Stolen Generations Victoria, 2008, Unfinished Business: Reparations, Restitution and Rehabilitation

²⁰⁵ Healing Foundation, 21 February 2020, Submission to Victoria Legislative Assembly and Social Issues Committee, Forced Adoptions Inquiry

²⁰⁶ Stolen Generations Reparations Consultation Results 2021 – See Appendix 2; Finity Consulting Pty Ltd, May 2021, Stolen Generations Reparations: Interim Report for Stolen Generations Reparations Steering Committee - Draft Findings [Final Report will be provided in late June 2021]



mental health and well-being. This participant stated that this situation stemmed from his life of trauma but also aggravated his trauma due to the lack of a holistic and trauma informed practice. The Steering Committee's Stolen Generations Reparations survey indicates out of 94 participants, 49 see intergenerational healing as occurring through cultural and intergenerational trauma training for all service providers and government agencies.

Recommendation 36: The Steering Committee recommends that all service provisions be improved, in regional and urban areas, through the development of Victorian Stolen Generations training packages and accredited frameworks.

To fulfill this, it is recommended that this be implemented through the development of multiple training packages and accredited frameworks across the fields of health, mental health, aged care, disability, justice and corrective services to ensure that services are able to use trauma informed practices specifically designed for Stolen Generations clients and their families, including Stolen Generations and descendants with a lived experience of disability. Further information on which specific service areas are most urgently required to develop and receive training and accreditation is recommended below.

It is also recommended that training packages about Victorian Stolen Generations needs and history be developed for government agencies and policy makers to ensure Stolen Generations are considered at all levels of government policy and framework development. It is recommended that any training package is developed with the advice of the Stolen Generations Advisory Committee (detailed at Chapter 4.2, recommendation 14).

5.1 Reparations – Acknowledgement

As stated above, this report understands this aspect of reparations, detailed in the Bringing Them Home Report, as forms of acknowledgement that recognise the past wrongs done to Stolen Generations. The Steering Committee has considered the below consultation data and makes the following recommendations to ensure formal recognition of the Stolen Generations experience is included within Victorian Reparations.

The 2008 Stolen Generations Victoria, Unfinished Business Report and the Bringing Them Home Report both made recommendations on memorials for Stolen Generations. The Bringing Them Home Report stated that memorials are significant in acknowledging and 'commemorating individuals, families, and communities' affected by Stolen Generations policies 'at the local and regional levels'.²⁰⁷ 18 out of 63 Stolen Generations people who completed the Stolen Generations Reparations survey stated that acknowledgment and recognition of their experiences was the most important part of Reparations for them. There were consistent requests from Stolen Generations and family throughout consultation sessions for markers or memorials to acknowledgment and commemorate Stolen Generations in Victoria. A Stolen Generations consultation participant stated that the most important part of Reparations for them was 'Acknowledgment of the Stolen Generations that have passed and never got a chance for their voice to be heard.' It is noted that there are some existing markers noted at Chapter 2.3 which may serve as a precedent for other local government authorities.

²⁰⁷ Stolen Generations Victoria, 2008, Unfinished Business: Reparations, Restitution and Rehabilitation; Human Rights and Equal Opportunity Commission, 1997, Bringing Them Home Report



Recommendation 37: The Steering Committee recommends that markers to acknowledge and commemorate the Stolen Generations experience are established by the Victorian Government, all Local Government Authorities, all Aboriginal Co-operatives and service providers, and by Victoria Police.

To order to fulfill this recommendation, the following is recommended:

- The Steering Committee recommends that a Victorian State Government monument be established to honour and commemorate Victorian Stolen Generations. It is recommended that this include individual plaques that name all Stolen Generations in Victoria, living and deceased, and that this be developed in consultation with the Stolen Generations Advisory Committee (detailed at Chapter 4.2, recommendation 14).

A consultation participant stated 'We need a memorial wall for Stolen Gen – with the names of every person who has been removed – there will be thousands and thousands and thousands of names on there. It would be good to also have photos or plaques of people whose names are on that wall... this can be a place where the broader community can see who was removed... We don't know how many children have been removed.'

- The Steering Committee recommends that all Local Government Authorities (LGAs), directed by the Minister of Local Government, establish plaques to honour and commemorate Stolen Generations. It is recommended that all LGAs complete a plaque in consultation with Stolen Generations living in their region. It is also recommended that a dedicated position be established to develop a markers strategy across Victoria and that this sits within an existing Stolen Generations organisation.
- The Steering Committee recommend that all Aboriginal Co-operatives and service providers establish plaques that acknowledge Stolen Generations and to foster reconciliation between Stolen Generations and the Aboriginal community in Victoria. It is recommended that all Aboriginal Co-operatives and service providers complete a memorial in consultation with Stolen Generations living in their region.
- It is also recommended that the Victoria Police Academy establish a plaque acknowledging Stolen Generations and their involvement in removing children from family, community, Culture, Country and identity. It is recommended that this be developed in consultation with the Stolen Generations Advisory Committee (detailed at Chapter 4.2, recommendation 14).

5.2 Reparations – Measures of Restitution

As stated above, this report defines this aspect of reparations, detailed in the Bringing Them Home Report, as the policies and practices in place to restore what was lost or stolen from Stolen Generations due to separation from family, community, Culture and Country.

Records Access Policy

There have been many reports that have recommended improvements and changes to assist Stolen Generations in accessing their records and understanding their family



history.²⁰⁸ In response there have been a number of quality actions in Victoria to assist with making changes to records access and family tracing for Stolen Generations including the 'common access guidelines' developed by the Koorie Records Task force, in fulfilling a Bringing Them Home report recommendation. In 2012 when the Koorie Records Taskforce ceased they stated these remained to be implemented. The common access guidelines were designed in consultation with Stolen Generations and relevant agencies to improve service provision within government and non-government records access procedures.²⁰⁹

Reparations consultation consistently raised various records access concerns indicating that access to personal and family records remains an issue. Stolen Generations Reparations consultation participants raised that they did not know how to access records, did not understand or agree with the Freedom of Information redaction process, or were unable to locate family due to limitations in accessing records. One participant stated that they applied for their ward files and were told they did not exist, however, they later found out that the records did exist, and this impacted on their ability to find family. The Stolen Generations Reparations survey shows that out of 94 participants, Stolen Generations and family, 46 see intergenerational healing as occurring through receiving access to family history and other records.

Recommendation 38: The Steering Committee recommends that the Common Access Guidelines developed by the Koorie Records Taskforce be reviewed, restored and implemented across all government and non-government agencies that hold personal records about Stolen Generations, including those interstate.

It is recommended that the Common Access Guidelines, see Appendix 6, are reviewed and restored to ensure:

- **That those with a lived experience of a disability are considered in access processes,**
- **That records access includes the needs of the whole family where requested,**
- **That records access services consider the emotional impact of records by providing culturally safe support alongside delivery of records.**
- **That the common access guidelines develop a framework to ensure that a pro-release records access approach is delivered by all relevant agencies.**

It is noted that the Healing Foundation have recently developed an archivists training package to increase awareness of records access needs for Stolen Generations which may assist agencies implementing the common access guidelines.²¹⁰

²⁰⁸ Human Rights and Equal Opportunity Commission, 1997, Bringing Them Home Report; Koorie Records Taskforce, 2001, Finding Your Story - Community Forums Summary Report; Victorian Stolen Generations Taskforce, 2003, Stolen Generations Taskforce Report; Koorie Records Taskforce, Department for Victorian Communities, May 2006, wilam naling, knowing who you are Improving Access to Records of the Stolen Generations A Report to the Victorian Government; Stolen Generations Victoria, 2008, Unfinished Business: Reparations, Restitution and Rehabilitation; Koorie Records Taskforce, January 2012, Victorian Koorie Records Taskforce Final Report

²⁰⁹ Koorie Records Taskforce, January 2012, Victorian Koorie Records Taskforce Final Report

²¹⁰ Healing Foundation, 2021-2022, Pre-Budget Submission; Healing Foundation, 2021, Archivists Training Package, <https://healingfoundation.org.au/2021/05/25/archivists-training-package/>



Limited access to records from hospitals and police were found to be one significant area of records access that stops Stolen Generations from finding family. One consultation participant shared their story of being denied access to their personal hospital records. These records may hold birth and subsequent adoption information and are essential in reconnection to the participant's birth family and re-building an identity. The Stolen Generations participant was forced to undergo legal action in order to access their own records from this hospital. Link-Up Qld also worked with parents of a child that was removed in Victoria to try to locate their missing daughter. The Link-Up Qld Research team worked on this case for seven years and they were unable to locate this stolen child as they were denied access to essential hospital and police records. An article that describes the details of the issues accessing Victorian hospital and police records for Stolen Generations is at Appendix 4. During consultation it was stated that 'Hospitals need to acknowledge their part in the Stolen Generations and all other institutions, private and public, no more hiding, everyone named.' It is recommended that the common access guidelines are urgently implemented by Victoria Police and all Victorian hospitals to ensure that Stolen Generations have free access to personal and family records for family tracing and identity purposes.

Additionally, access to Victorian Births, Deaths and Marriage Certificates were noted as of concern to Stolen Generations, this has also been raised in previous reports for Stolen Generations.²¹¹ It is recommended that the common access guidelines are urgently implemented by Victorian Births, Deaths and Marriages to ensure that Stolen Generations have free access to births, deaths and marriage certificates for family tracing and identity purposes.

In addition to the implementation of the common access guidelines the Steering Committee finds that a broad self-determined approach for Aboriginal records management is required.

Recommendation 39: The Steering Committee recommends that an Aboriginal Victoria records repository is established to hold relevant Aboriginal historical and cultural records. It is further recommended that the repository has the capacity to hold personal records at the request of individuals.

This is detailed within recommendation 29 of the Bringing Them Home Report with an emphasis on the transfer of cultural and historical records to Aboriginal community control to increase the option for self-determined access to the Aboriginal history held within archival records.²¹² It is recommended that the Aboriginal managed records repository develop a framework to ensure that a pro-release records access approach is delivered.

It is noted that current legislation may need to be addressed for those individuals who wish their personal records to be transferred out of state agencies control into an Aboriginal controlled repository.

5.3 Reparations – Measures of Rehabilitation

As noted above, this report understands this aspect of reparations, detailed in the Bringing Them Home Report, as the policies and practices in place to improve the quality of life for

²¹¹ Stolen Generations Victoria, 2008, Unfinished Business: Reparations, Restitution and Rehabilitation; Koorie Records Taskforce, January 2012, Victorian Koorie Records Taskforce Final Report

²¹² Human Rights and Equal Opportunity Commission, 1997, Bringing Them Home Report



Stolen Generations following the various detrimental impacts on social determinants due separation from family, community, Culture and Country.

Telling the Stories of Stolen Children

The Bringing Them Home Report's first recommendation was in relation to recording the stories of Stolen Generations.²¹³ It is noted that Victoria has a history of recording Aboriginal and Stolen Generations stories though the Koorie Heritage Trust and other community organisations.²¹⁴ This recommendation is made in response to below consultation results which found that many Stolen Generations wish to have their story recorded for education purposes, as a healing tool, and/or to share with family. The Steering Committee's Stolen Generations Reparations survey indicates out of 94 participants 37 see intergenerational healing as occurring through recording their or their families Stolen Generation/s story.

Recommendation 40: The Steering Committee recommends that avenues for Stolen Generations stories to be recorded be provided as part of a holistic Stolen Generations Reparations response.

To fulfill this recommendation the following recommendations are made:

- The Steering Committee recommends that Creative Victoria set aside 1 year of First Nations Funding for Stolen Generations, or descendants of Stolen Generations, artists, directors, filmmakers and authors or other creators to support Stolen Generations or family of Stolen Generations to write, film, playwright, create exhibitions or other form of creative storytelling.
- It is recommended that Bunjilaka and Koorie Heritage Trust, in consultation with the Stolen Generations Advisory Committee (detailed at Chapter 4.2, recommendation 14), re-establish a permanent exhibition, including photos and films etc, about the history of Stolen Generations in Victoria.
- It is recommended to refine the Koorie Heritage Trust Oral Histories project to refocus on recording Stolen Generations stories, in particular any Stolen Generations individuals who identify through the Reparations package that they would like their story recorded. It is recommended that the Stolen Generations person have full control over access conditions of the recording of their story i.e. they can stipulate who can view their story, whether or not it can be made available online and when the story can be made available for viewing, in terms of during or after their lifetime.
- It is recommended that all Victorian Traditional Owner Groups include the stories of Stolen Generations on their websites and develop this in partnership with Stolen Generations.
- It is recommended that all content that is produced should be accessible to a wide range of people with a lived experience of disability, for example books being created in braille and as audio books, accessible venues and media.
- It is recommended that Victorian Stolen Generation individuals eligible to the Stolen Generations Reparations package are provided access to funding to re-author their

²¹³ Human Rights and Equal Opportunity Commission, 1997, Bringing Them Home Report

²¹⁴ Healing Foundation, Precious Memories – Building a Library of Elders Oral History and Stories - Rumbalara Aboriginal Co-operative, <https://healingfoundation.org.au/projects/rumbalara-aboriginal-co-operative/>; Koorie Heritage Trust, Oral History Program and Collection, <https://koorieheritagetrust.com.au/visit-us/collections/oral-visual-recordings/>



family narratives in which ever form they choose, and that a dedicated position is established to support this. This includes providing support workers for Stolen Generations with a lived experience of disability.

It is recommended that self-determination be the under-lying principle of this recommendation, in that Victorian Stolen Generations eligible for the Reparations package be offered a way to tell their story that best suits them, such a publishing a book, recording a personal oral history, or a collective story that includes family and community perspectives. This principle also allows for Stolen Generations who do not wish to tell their story again to have agency within this offer.

Health and Social and Emotional Wellbeing

The Steering Committee found throughout consultation that health and mental health are of significant concern to many Victorian Stolen Generations. As such the following recommendations have been to improve the quality of life for Stolen Generations and their descendants.

Recommendation 41: The Steering Committee recommends that specialised and long-term access to all health care, including mental health, specialist appointments and cultural healing modalities, be provided to Stolen Generations and descendants.

It is recommended that this be implemented within a health care model tailored for Stolen Generations and recognised by Medicare or through a new Stolen Generations health care card system. It is recommended that this model not be limited under the existing health or mental health care models or restricted by General Practitioner vetting. It is recommended that this model include access to cultural healing modalities alongside standard models of health and mental health care. It is recommended that this not impact in anyway on existing models of care or entitlement provided for under the National Disability Insurance Scheme and instead provides additional support workers to ensure Stolen Generations with a lived experience of disability are able to access improved health care.

It is essential in developing improved access to health and mental health services that those with a lived experience of disability and the Deaf and Hard of Hearing Aboriginal community are considered throughout the process. A Stolen Generations participant in consultation stated they 'Definitely found it hard to understand people and get access to good health services, ended up homeless and in the hospital a long time before family came and found me.'

The Steering Committee recommends this service be eligible to all Stolen Generations living in Victoria, this includes those who would not be eligible for the Stolen Generations Reparations package, for example because they were removed interstate but now live in Victoria. Finity Consulting has estimated that there are around 4000 Stolen Generations living in Victoria who may be eligible for this enhanced service and between 9,500 and 11,300 descendants who would be eligible. Finity Consulting state 'There is significant uncertainty around this estimate.'²¹⁵ Further information on the participant estimate research for the enhanced health and mental health component of Reparations will be provided in the Finity Consulting final report for the Steering Committee in late June 2021.

²¹⁵ Stolen Generations Reparations: Interim Report - Draft Findings, May 2021, Finity Consulting Pty Ltd [Final Report will be provided in late June 2021]



Recommendation 42: The Steering Committee recommend that Stolen Generations health and mental health training and accreditation be developed and made mandatory for health and mental health care professionals to ensure that they are able to understand and respond appropriately to Stolen Generations clients and descendants.

This was also recommended in the Bringing Them Home Report and since then it has been stated that 'The residue of unresolved anger and grief that blankets the Aboriginal community [in relation to Stolen Generations] has had a devastating effect on the physical, emotional and mental wellbeing of so many...Psychologists, other health and social science professionals have an absolute obligation and a duty of care to share in this reparation [as noted in the Bringing Them Home Report] process.'²¹⁶ It is also noted that the Healing Foundation, the national body for Stolen Generations, have continually advocated for a national trauma strategy, at both policy and service provision levels, for Stolen Generations and descendants. The Healing Foundation have also developed four pillars of trauma recovery throughout their work with Stolen Generations: Safety, Identity, Reconnection, and Trauma Awareness.²¹⁷

Health

As noted above access to improved health services was a consistent theme arising from Reparations consultations sessions, many stated they wanted to have the same health care as awarded to returned veterans, access to cultural healing modalities, immediate eligibility for the disability pension due to the complex post-traumatic stress that is experienced due to separation from family, community, Culture and Country and that they don't want to leave home or Country to receive specialist health or mental health care.

New research completed by the Australian Institute of Health and Welfare indicates that Stolen Generations nationally were 'more likely to report having asthma, cancer, diabetes, kidney disease, chronic obstructive pulmonary disease and hypertension. From a list of 13 long-term health conditions, 45% reported having seven or more, and almost a quarter reported having 10 or more.'²¹⁸ Further research on the health outcomes for Victorian Stolen Generations will be provided in the Finity Consulting final report for the Steering Committee in late June 2021.

As there are no references to the specific requirements of Stolen Generations health and wellbeing in the Victorian Government ten-year strategy, 'Korin Balit-Djak Aboriginal health, wellbeing and safety strategic plan 2017–2027', it may be that the above recommendations are integrated into this policy.²¹⁹

Mental Health

²¹⁶ Human Rights and Equal Opportunity Commission, 1997, Bringing Them Home Report; Commonwealth of Australia, Dudgeon, P., Milroy, H., Walker, R., 2014, Working Together: Aboriginal and Torres Strait Islander Mental Health and Wellbeing Principles and Practice

²¹⁷ Healing Foundation, 2017, Bringing Them Home Report – 20 Years On; Healing Foundation, 21 February 2020, Submission to Victoria Legislative Assembly and Social Issues Committee, Forced Adoptions Inquiry; Healing Foundation, 2021-2022, Pre-Budget Submission

²¹⁸ Healing Foundation, 2 June 2021, Make Healing Happen: It's Time to Act

²¹⁹ Victoria Government, Department of Health and Human Services, Korin Balit-Djak Aboriginal health, wellbeing and safety strategic plan 2017–2027



The Bringing Them Home and subsequent Victorian Stolen Generations reports have advocated for more appropriate mental health support for Stolen Generations and the development of training for practitioners to be able to support Stolen Generations to heal.²²⁰ The Steering Committee consultation sessions also consistently raised the inadequacy of mental health support available, noting that services were difficult to access, and once seen by a practitioner Stolen Generations felt frequently misunderstood within the mental health system and that practitioners were not equipped to support them to heal as Stolen Generations. One Stolen Generations consultation participant stated 'I am seeing a psychologist as part of my healing. This has been a challenge as it requires me to keep seeing my GP to renew my Mental Health Care plan to be able to access this service. Access to counselling should be provided for at least 3 years minimum. It's needed to really heal.' The Stolen Generations Reparations survey indicates 23 of 63 participants who identified as Stolen Generations would benefit from counselling and 13 participants stated that this was the most important part of Reparations for them. The survey also indicates out of 94 participants, 49 see intergenerational healing as occurring through improved access to trauma informed and/or cultural mental health services. New research completed by the Australian Institute of Health and Welfare indicates that Stolen Generations nationally 1.4 times as likely to report poor mental health (40%) and 1.3 times as likely to report having been diagnosed with a mental health condition (43%) as people of the same age who were not removed.²²¹ Further research on the mental health outcomes for Victorian Stolen Generations will be provided in the Finity Consulting final report for the Steering Committee in late June 2021.

The Victorian Government 2017-2027 Balit Murrup Aboriginal social and emotional wellbeing framework states in the next four years it aims to provides trauma counselling for Stolen Generations.²²² The recent Royal Commission into Victoria's Mental Health System notes increased focus on supporting Stolen Generations is needed.²²³ It may be that the above recommendations are integrated within the Balit Murrup framework and built into any outcomes from the Royal Commission into Victoria's Mental Health System.

Aged Care

The 2021 Aged Care Royal Commission Final Report found that 'Given the number of members of the Stolen Generations who will need care in the years ahead, cultural safety demands a trauma-informed approach to care. For members of the Stolen Generations, their childhood experiences further compromise their ability to seek services. Recognition of this reality should dictate and inform how such services should be provided.'²²⁴ The Royal Commission also found that 'Members of the Stolen Generations can fear the possibility of

²²⁰ Human Rights and Equal Opportunity Commission, 1997; Victorian Stolen Generations Taskforce, 2003, Stolen Generations Taskforce Report; Stolen Generations Victoria, 2008, Unfinished Business: Reparations, Restitution and Rehabilitation

²²¹ Healing Foundation, 2 June 2021, Make Healing Happen: It's Time to Act

²²² Victoria Government, Department of Health and Human Services, Balit Murrup, Aboriginal social and emotional wellbeing framework, 2017-2017

²²³ Victoria Government, Department of Health and Human Services, Balit Murrup, Aboriginal social and emotional wellbeing framework, 2017-2017; Royal Commission into Victoria Mental Health System, 2021, Supporting Aboriginal Social Emotional Wellbeing, Volume 3, Chapter 20

²²⁴ Royal Commission into Aged Care Quality and Safety, 2021 Final Report – Care Dignity and Respect: Closing the Gap, Volume 3A, 7.6.1



residential aged care, dreading ‘another removal, being re-institutionalised and reliving their experience of trauma.’²²⁵ Appropriate aged care was also found to be important to Victorian Stolen Generations during the Reparations consultation process. The Stolen Generations Reparations survey indicates 24 of 63 participants who identified as Stolen Generations need better access to appropriate aged care assistance. The majority of Stolen Generations Reparations survey participants were aged 52 or over. This aligns with new research completed by the Australian Institute of Health and Welfare indicates that Stolen Generations nationally ‘...are an ageing population. In 2018–19, more than 80% were aged 50 and over, making up approximately one in five (21%) of the Aboriginal and Torres Strait Islander population in this age group.’²²⁶ Further research on the age average for Victorian Stolen Generations will be provided in the Finity Consulting final report for the Steering Committee in late June 2021.

Recommendation 43: The Steering Committee recommends that tailored aged care packages need to be developed for Stolen Generations. It is considered this should be for Stolen Generations aged 50 and over.

It is recommended that this package should provide support to appropriate counselling services, assistance with wills and other end of life legal requirements, such as power of attorney, connection to local council services, cultural healing activities, and other supports that may be required such as in palliative care or funeral planning. It is recommended that this be administered within a specialised access card or as an addition to the Medicare card and doesn’t not limit Stolen Generations in anyway to access social security allowances or Reparations payments. It is recommended that this not impact in anyway on existing models of care or entitlement provided for under the National Disability Insurance Scheme and instead provides additional support workers to ensure Stolen Generations with a lived experience of disability are able to access improved aged care.

The Steering Committee recommends this service be eligible to all Stolen Generations living in Victoria, this includes those who would not be eligible for the Stolen Generations Reparations package, for example because they were removed interstate. Finity Consulting has estimated that there are around 4000 Stolen Generations living in Victoria who may be eligible for this enhanced service. Finity Consulting state ‘There is significant uncertainty around this estimate.’²²⁷ Further information on the participant estimate research for the enhanced aged care component of Reparations will be provided in the Finity Consulting final report for the Steering Committee in late June 2021.

In 2019 The Healing Foundation and the Aboriginal and Torres Strait Islander Ageing Advisory Group of the Australian Association of Gerontology ran a Stolen Generations Aged Care Forum in Melbourne to ‘shape trauma informed aged care strategies for Stolen Generations’. Following this forum, a report was released which makes a number of policy

²²⁵ Royal Commission into Aged Care Quality and Safety, 2021 Final Report – Care Dignity and Respect: Closing the Gap, Volume 3A, 7.6.1

²²⁶ Healing Foundation, 2 June 2021, Make Healing Happen: It’s Time to Act

²²⁷ Stolen Generations Reparations: Interim Report - Draft Findings, May 2021, Finity Consulting Pty Ltd [Final Report will be provided in late June 2021]



recommendations for Stolen Generations in aged care. It is noted that that this research may assist in developing a holistic aged care response for Stolen Generations in Victoria.²²⁸

Recommendation 44: The Steering Committee recommends that a comprehensive Victorian aged care Stolen Generations education and training package be developed to ensure that Victorian Stolen Generations receive trauma informed and Stolen Generations specific age care services within an accredited framework.

It is recognised that aged care is not limited to aged care facilities for example, a number of Stolen Generations consultation participants stated that they did not wish to enter an aged care facility but wished to receive aged care support at home. A consultation participant stated ‘We don’t want to end up in Aged Care that reminds us of being in the homes...’

It is recommended that any aged care training or support package is developed with the advice of the Stolen Generations Advisory Committee (detailed at Chapter 4.2, recommendation 14).

Housing

The Steering Committee’s Stolen Generations Reparations survey indicates 18 of 63 participants who identified as Stolen Generations need better access to housing or homelessness assistance. Additionally, generational housing inequity and home ownership was raised during many Reparations consultation groups across Victoria. New research completed by the Australian Institute of Health and Welfare indicates that Stolen Generations nationally were ‘1.8 times as likely to not own their own home compared with those not removed.’²²⁹ Further research on the housing and homelessness outcomes for Victorian Stolen Generations will be provided in the Finity Consulting final report for the Steering Committee in late June 2021.

The Steering Committee makes the following recommendation as a solution to the need for public housing service improvements for Stolen Generations.

Recommendation 45: The Steering Committee recommends that priority housing be made available to Stolen Generations.

It is also recommended that accessible housing options and housing maintenance are increased for Stolen Generations with a lived experience of disability.

The Steering Committee recommends this service be eligible to all Stolen Generations living in Victoria, this includes those who would not be eligible for the Stolen Generations Reparations package, for example because they were removed interstate. Finity Consulting has estimated that there are around 4000 Stolen Generations living in Victoria who may be eligible for this enhanced service. Finity Consulting state ‘There is significant uncertainty around this estimate.’²³⁰ Further information on the participant estimate research for the enhanced housing component of Reparations will be provided in the Finity Consulting final report for the Steering Committee in late June 2021.

²²⁸ Healing Foundation, Aboriginal and Torres Strait Islander Ageing Advisory Group and Australian Association of Gerontology, August 2019, Stolen Generations Aged Care Forum Report

²²⁹ Healing Foundation, 2 June 2021, Make Healing Happen: It’s Time to Act

²³⁰ Stolen Generations Reparations: Interim Report - Draft Findings, May 2021, Finity Consulting Pty Ltd [Final Report will be provided in late June 2021]



This may be considered as an action within the Victorian Government commitment to create more social and community housing. It is noted that NSW Aboriginal Housing assessments have developed priority access housing practices for Stolen Generations, including a specialised confirmation of Aboriginality process.²³¹ This model may be considered for development and adjustments to a Victorian priority housing model for Stolen Generations.

Aboriginal Policy and Decision Making

The Steering Committee heard consistently throughout consultation that Stolen Generations do not feel a strong sense of belonging within the broader Aboriginal community and do not feel that they are heard within Aboriginal decision-making processes. Further research on Victorian Stolen Generations ability to have a say within their communities compared with Victorian Aboriginal people who were not separated from family will be provided in the Finity Consulting final report for the Steering Committee in late June 2021.²³²

Recommendation 46: The Steering Committee recommends that the State continues to engage with the First Peoples' Assembly of Victoria to ensure Victoria's treaty process incorporates the aspirations and voices of Victorian Stolen Generations, including those with a lived experience of disability.

It is recommended that advice be sought from the Stolen Generations Advisory Committee (detailed at Chapter 4.2, recommendation 14) as to how the First Peoples Assembly makes changes to ensure that their perspectives are included in Aboriginal policy and decision making for Victoria.

Recommendation 47: The Steering Committee recommends that the Yoo-rook Justice Commission convene a statewide meeting with Victorian Stolen Generations and Stolen Generations support services.

It is recommended that any statewide meeting include accessible options, such as accessible venue, support workers and Auslan interpreters for those with a lived experience of disability.

This is recommended to ensure that Victorian Stolen Generations and supporting agencies are engaged with in a meaningful an ongoing capacity.

Recommendation 48: The Steering Committee recommends that the Yoo-rook Justice Commission and the Victorian First Peoples Assembly advocate for and support the implementation of the recommendations made in this report.

Disability Services

The Steering Committee heard from consultation that significant access changes need to be addressed for Stolen Generations with a lived experience of disability, including for those that are Deaf and Hard of Hearing. It was stated that National Disability Insurance Scheme needs to be more accessible for Stolen Generations and more research is needed on the

²³¹ NSW Government, Department of Communities and Justice, 2019, Priority Housing for Stolen Generations Survivors, https://www.facs.nsw.gov.au/housing/factsheets/priority-housing-for-stolen-generations-survivors/_recache

²³² Stolen Generations Reparations: Interim Report - Draft Findings, May 2021, Finity Consulting Pty Ltd [Final Report will be provided in late June 2021]



links between disability and Stolen Generations trauma to improve services. The Generations Reparations survey indicates 19 of 63 participants who identified as Stolen Generations need better access to disability or National Disability Insurance Scheme assistance.

Recommendation 49: The Steering Committee recommends that the Victorian State Disability Plan is reviewed and strengthened to ensure that the unmet needs of Stolen Generations with a lived experience of disability are identified and resulting outcomes are incorporated and implemented within the state plan.

It is noted that the First Peoples Disability Network Australia works within ‘a social model of disability, in which we understand ‘disability’ to be the result of barriers to our equal participation in the social and physical environment. These barriers can and must be dismantled. The social model stands in contrast to a medical model of disability, which focuses on diagnosis.’ This recommendation supports this social model of disability when implementing changes for Stolen Generations with a disability in Victoria.

New research completed by the Australian Institute of Health and Welfare indicates that nationally ‘61% of Stolen Generations survivors aged 50 and over reported living with a disability/restrictive long-term condition.’²³³ Further research on the disability outcomes for Victorian Stolen Generations will be provided in the Finity Consulting final report for the Steering Committee in late June 2021.

Police, Justice and Corrective Services

The Stolen Generations Reparations consultation sessions raised many issues in this area for Stolen Generations, including increased support for Stolen Generations transitioning from corrective services to mainstream living, including for those with a lived experience of disability, and a better understanding of Stolen Generations within corrective services and justice systems, including raising awareness within Victoria Police. The Stolen Generations Reparations survey indicates 5 of 63 participants who identified as Stolen Generations need better access to corrective services or post released assistance. It is noted that the survey data only reflects a small portion of the incarcerated Stolen Generations population. Further research on the police and justice system outcomes for Victorian Stolen Generations will be provided in the Finity Consulting final report for the Steering Committee in late June 2021.

The Steering Committee has considered this consultation data and make the following recommendations as a solution to the need for police, justice and corrective service improvements for Stolen Generations.

Recommendation 50: It is recommended that Victoria Police introduce training into the Police Academy that includes the truth about their role removing Aboriginal children and the impacts of this on Aboriginal Victoria today.

It is recommended that the training should be delivered early in the Police Academy modules with dedicated units that are assessed and examined.

Recommendation 51: The Steering Committee recommends that the Victorian Aboriginal Justice Agreement is reviewed and strengthened to ensure that outcomes

²³³ Healing Foundation, 2 June 2021, Make Healing Happen: It’s Time to Act



are implemented to support the needs of Stolen Generations within the justice system, including those with a lived experience of disability.

Outcomes that are considered essential are training and accreditation for magistrates and judges to ensure that the past trauma of Stolen Generations is properly weighted and considered in the justice process, decreasing the high numbers of Stolen Generations, including women and people with a lived experience of disability, in corrective services and support for Stolen Generations people transitioning from corrective services into mainstream society. Recommendations on the holistic health and wellbeing of those incarcerated were outlined in the Bringing Them Home Report.²³⁴

After many years of advocacy by Stolen Generations and others, legislation was passed in 2018 to remove historical child protection records from criminal records. Chapter 7A of the Children Youth and Families Act 2005, Victoria details the nature of these historical child protection records and the legislated process for not considering these records as a criminal charge.²³⁵ Information provided by Department of Justice and Community Safety confirms that Victoria Police have removed the historical child protection records from individuals files and associated agencies have met the other policy requirements regarding the release of the historical child protection records as detailed in this legislation. Based on the results of Reparations consultation it appears that Stolen Generations are unaware of these changes as many raised this issue as outstanding, as such the following recommendation is made.

Recommendation 52: The Steering Committee recommends that Stolen Generations who have had their child protection record/s removed from Victoria Police files are formally notified that this has occurred.

It is also recommended to provide information to the relevant agencies providing a service to Stolen Generations such as the Bringing Them Home Workers, Connecting Home, Koorie Family History Service - Koorie Heritage Trust, Link-Up Victoria and Victorian Aboriginal Legal Service.

Intergenerational Healing Considerations

Intergenerational Healing was a strong and consistent theme across all consultations with Stolen Generations and the following recommendation has been made with respect to the ongoing need for intergenerational healing and change in all areas of service provision and policy development. The Stolen Generations Reparations survey indicates out of 94 participants 52 see intergenerational healing as occurring through Stolen Generations family healing centres or a healing fund, two participants further specified this should include men and women's healing separately, and that healing centres need to be based in regional and urban areas. Additionally, 45 participants see intergenerational healing as occurring through Culture, Language and Return to Country programs.

Recommendation 53: The Steering Committee recommends that a statewide intergenerational healing response be developed for children and grandchildren of

²³⁴ Human Rights and Equal Opportunity Commission, 1997, Bringing Them Home Report

²³⁵ Victoria Government, 11 September 2018, Victims and Other Legislation Amendment Act 2018; Victoria Government, 21 October 2020, Children, Youth and Families Act 2005, Chapter 7A



Stolen Generations to ensure specialised community led trauma healing programs, healing centres and healing events on Country are enabled.

Andrew Jackomos made the following statement in his submission to the Royal Commission into the Victorian Mental Health System: ‘The legacy of intergenerational trauma is still very present in past, present and subsequent generations. Isolated reforms that happen in one pocket of the service system will not effectively address these complex issues.’²³⁶ As such it is noted here that the health, mental health, and intergenerational healing service provision responses for descendants recommended in this report, recommendations 41, 42, 53, and 55, need to consider the complexities of intergenerational healing and recommendation 53 must be integrated across multiple fields of service provision and policy frameworks.

It is recommended that an intergenerational healing response is led by Stolen Generations and families with a focus on intergenerational trauma, healing and resilience for descendants of Stolen Generations. It is considered that an increased focus on designing intergenerational healing responses with the leadership of Stolen Generations and families, an opportunity for self-determination and community empowerment is provided through the development process. A Stolen Generations consultation participant stated ‘...it happened to me. It happened to me, not my kids and grandkids. I want to look after their interests myself, and I want to be supported by the government to do this... I think the descendants should be able to access therapeutic care and programs... I am responsible for them.’ The Healing Foundation’s Collective Healing Report completed thorough research on existing healing models for Stolen Generations and developed a framework for community led implementation.²³⁷ This report may be of assistance in developing community led intergenerational healing programs.

It is recommended that such an intergenerational healing response receive ongoing funding for research, development and expert support in creating intergenerational resilience and to ensure that intergenerational trauma and healing is addressed within all Victorian Government policy frameworks and service guidelines. It is recommended that research and implementation also consider the development of a case management practice model for use within service provision. In 2020 Dr Gee stated, ‘More Koori and Aboriginal-led research is needed to develop a greater understanding of the specific ways in which resilience is manifest and transmitted within the context of parenting, parent-child relationships, and histories of trauma across generations.’²³⁸ Additionally, the Healing Foundation recommended in 2017 that ‘Research is needed to establish the specific effects of intergenerational trauma amongst the Stolen Generations. Such research needs to involve, at all stages, Stolen Generations members and their families.’²³⁹ It is noted that the Royal Commission in Victoria’s Mental Health system made recommendations into trauma research through a ‘Statewide Trauma Service’, it is considered that any research

²³⁶ Royal Commission into Victoria’s Mental Health System, 11 July 2019, Witness Statement of Andrew Jackomos

²³⁷ Healing Foundation and Maru Marri, University of New South Wales, November 2014, A Resource for Collective Healing for Members of the Stolen Generations: Planning, implementing and evaluating effective local response

²³⁸ Gee, G., Lesniowska, R., Santhanam-Martin, R., & Chamberlain, C., 2020, ‘Breaking the Cycle of Trauma – Koori Parenting, What Works for Us’, *First Peoples Child & Family Review*, 15(2), 45-66

²³⁹ Healing Foundation, 2017, Bringing Them Home Report – 20 Years On



implemented from this Royal Commission should also include intergenerational trauma led by and for Stolen Generations and families.

The Steering Committee recommends any services arising from this response be made available to all Stolen Generations descendants living in Victoria. Finity Consulting has estimated that there are between 9,500 and 11,300 descendants that would be eligible. Finity Consulting state 'There is significant uncertainty around this estimate.'²⁴⁰ Further information on the participant estimate research for the descendants of Stolen Generations in Victoria will be provided in the Finity Consulting final report for the Steering Committee in late June 2021.

Bringing Them Home Worker Program

The Bringing Them Home Workers program remains one of the few implemented services from the Commonwealth responses to the Bringing Them Home Report recommendations. There are currently 13 Bringing Them Home Workers in Victoria and although they are federally funded positions, they are administered by Aboriginal Community Controlled Health Organisation's across regional and urban Victoria. Please note that in Victoria the 'Bringing Them Home Worker' title differs to the national title of 'Bringing Them Home Counsellor' due to a jurisdiction specification when this program was implemented in Victoria.²⁴¹

The Bringing Them Home Workers program provides a unique and specialised service to Stolen Generations and has been reviewed a number of times, in 2008 the Bringing Them Home program was reviewed in the Stolen Generations Victoria, Unfinished Business Report and several solutions were proposed in this report. In 2017 the Healing Foundation reported nationally that 'The Bringing Them Home counsellor positions originally funded in 1997 are now expected to provide general social and emotional wellbeing services for the whole Aboriginal and Torres Strait Islander community.'²⁴² In 2021 the Healing Foundation reflects on the Victorian model of the Bringing Them Home Worker program and states 'OATSIH failed to provide minimum program standards or guidelines for services, and no central coordination, monitoring or support for workers or organisations. This put the onus on community organisations and workers to design, implement and manage complex services.'²⁴³

Consultation participants consistently indicated the importance and value of the Bringing Them Home Workers role in providing Victorian Stolen Generations support. The following recommendation is made to ensure this program can be enhanced to best support Stolen Generations throughout the Reparations process and beyond.

Recommendation 54: The Steering Committee recommends that the Bringing Them Home worker program be reviewed in Victoria to improve outcomes for Stolen Generations.

²⁴⁰ Stolen Generations Reparations: Interim Report - Draft Findings, May 2021, Finity Consulting Pty Ltd [Final Report will be provided in late June 2021]

²⁴¹ Ministerial Council of Aboriginal and Torres Strait Islander Affairs, 2003, Evaluation of responses to Bringing Them Home Report

²⁴² Stolen Generations Victoria, 2008, Unfinished Business: Reparations, Restitution and Rehabilitation; Healing Foundation, 2017, Bringing Them Home Report – 20 Years On

²⁴³ Healing Foundation, 2 June 2021, Make Healing Happen: It's Time to Act



It is noted that as this program is federally funded, Victorian Government may need to negotiate with the Commonwealth Government in order to fulfill this recommendation.

The Steering Committee completed a focused consultation session with Bringing Them Home Workers in order to identify challenges and solutions in supporting their Stolen Generations clients through a Reparations process. A number of challenges were raised including limits on Bringing Them Home worker professional development and forums, being included by the urban Stolen Generations support services, support to provide access to records, healing centres, memorials and truth-telling opportunities for Stolen Generations clients. A number of solutions were also proposed such as increased access to ongoing support including monthly support groups and an annual Bringing Them Home Worker forum, Bringing Them Home workforce to increase funding for positions to ensure gender equality, using cultural strengths, experienced knowledge base of long-term Bringing Them Home workers and existing support services to maintain holistic service support for Stolen Generations.

5.4 Reparations – Guarantees Against Repetition

As noted above this report understands this aspect of reparations, as detailed in the Bringing Them Home Report, as the policies and practices in place to ensure that the Stolen Generations experience of separation from family, community, Culture, Country and subsequent loss of identity and sense of belonging is not repeated.

Child Protection

Victoria has a number of policies and practices in place in order to work within culturally responsive frameworks with regards to Aboriginal child protection, including some which were developed originally in response to the Bringing Them Home Report recommendations. However, as the jurisdiction with the second highest number of Aboriginal children in state care, this issue cannot go ignored.²⁴⁴ All consultations with Stolen Generations Victoria raised this as a high-level concern. The Steering Committee's Stolen Generations Reparations survey indicates out of 94 participants, 44 see intergenerational healing as occurring through improvements to the current child protection system. It is noted that although the reasons for separating children from family today differ significantly from historical child removal practices, the outcomes we see in Stolen Generations today will occur again in subsequent generations due to the impacts of current placements of Aboriginal children in state care.

Recommendation 55: The Steering Committee recommends child protection policies and the current number of Aboriginal children entering state care today be urgently addressed.

It is recommended that intergenerational trauma be considered a priority for Victorian Government when addressing children protection policy changes. It is recommended this is included within the intergenerational response at recommendation 53, Chapter 5.3.

It is noted that the Family Matters Report 2020 makes the following recommendation which may assist in responding to this recommendation 'Develop a comprehensive national Aboriginal and Torres Strait Islander children's strategy that is aligned to achieve the Closing

²⁴⁴ Family Matters, 16 November 2020, Family Matters Report 2020



the Gap target to reduce the over-representation of Aboriginal and Torres Strait Islander children in out-of-home care by 45% by 2031, by addressing the causes of child removal'. The report also specifies a detailed plan to achieve this which may also be used in considering changes to the Aboriginal child protection policies and practices in Victoria.²⁴⁵

Education

The Bringing Them Home Report makes some significant recommendations in relation to education around Stolen Generations experience in order to understand the history of Stolen Generations and guarantee the experience will not be repeated.²⁴⁶ The Steering Committee heard throughout consultation that this remains important for Stolen Generations today and although Stolen Generations is addressed within the Victorian Education Curriculum this is not sufficient.

Recommendation 56: The Steering Committee recommend that the Healing Foundation Education modules are made compulsory in primary and secondary education curriculum in Victoria.

The Healing Foundation Education modules can be located [here](#).

²⁴⁵ Family Matters, 16 November 2020, Family Matters Report 2020

²⁴⁶ Human Rights and Equal Opportunity Commission, 1997, Bringing Them Home Report



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Appendix 5 – Stolen Generations Reparations Form Example

Appendix 6 – Common Access Guidelines



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