



## **West Australian Stolen Generations Aboriginal Corporation**

*Working with community to address the ongoing trauma caused by past and present practices of child removal.*

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**27/03/2020**

### **Submission and Response WA Government's Aboriginal Empowerment Strategy "A Path Forward"**

The accompanying document is a collective response compiled from various meetings with regional YOKAI Leadership Groups, our Board and from the most recent WA Stolen Generations State Forum. Delegates at the Forum and leadership meetings represent (as of yesterday) 386 YOKAI members. Sadly, our numbers fluctuate given the high infirmity and mortality rate of Stolen Generations and their offspring, the total numbers of which comprise 47% of WA's Aboriginal population.

Our organisation made a high-level commitment and investment in making the accompanying responses.

The additional time allowed by the extended date of the response to the draft strategy allowed us to examine the content again and while our Board made few further changes other than to reinforce the importance of community immersed Aboriginal organisations such as ourselves we go further in this letter to highlight the absolute necessity of community controlled organisations in meeting rapidly changing circumstances such as the impact of COVID19, on Aboriginal people in WA.

We are essentially a contact data base and advocate for many of the most compromised people in WA in terms of health and social wellbeing. Now, our personnel and YOKAI associated community leadership groups are contacting our members regarding responses to the current emergency. At other times we do this for other critical factors such as evictions, redress, discrimination and sadly, many other things as well.

No non-Aboriginal controlled organisations could do this in an environment of trauma-informed, culturally immersed confidence, knowledge and trust, networking and regional coverage.

I look forward to discussing our submission further and we await your advice/response.

Yours Sincerely

Jim Morrison

Managing Director/Chairperson



**Submission and Response**  
**WA Government’s Aboriginal Empowerment Strategy**  
**“A Path Forward”**

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## A. INTRODUCTION

We note that “A Path Forward” is a detailed outline of an ‘Aboriginal Empowerment Strategy’ by the Western Australian Government (WAG). It is clear that this is a comprehensive outline and we support and accept it as being a major step forward in dealing with Aboriginal and WAG relations. We expect that there will be positive *actions* that stem from this process.

The three key questions that have postulated are considered and dealt with in this submission. These questions can be answered and engaged with in a variety of ways. The purpose of this submission is to answer them directly and broadly. For example, question 2 calls for a direct reply and answer. Key questions 1 and 3 require a broader engagement with the issues surrounding the subject matter of the question, and in doing so, elicit a more detailed response. The replies are provided below and seek to direct attention to the nature of the “Overall Goal” as being an aspirational goal which provides a worthy starting point for dialogue between Aboriginal and non-Aboriginal peoples.

### 1. *Strategic Elements - Intertwined*

We note that the empowerment strategy has identified six strategic elements. In our opinion these ‘elements’ are not independent nor mutually exclusive from or to each other. Rather, we see these elements as being tied to and incumbent upon each which overlap in order to achieve the respective goals. In our submission, we consider that each element may, therefore, require strategies to ensure that each goal can be achieved through combining initiatives.

### 2. *Yokai*

Yokai was created jointly in 2016 by Bringing them Home WA and the West Australia Stolen Generations Aboriginal Corporation (WASGAC) trading as Yokai. WASGAC was established for the purpose of addressing the needs of Western Australian Aboriginal People’s Stolen Generations (SG) and Descendants of Stolen Generations (DoSG). We currently have around 380 members who we engage with and directly support. Our members are predominantly SG and DoSG, thus, high needs in terms of human services of a broad range.

Yokai considers that urgent action is required to address the emotional and physical health and wellbeing of SG and DoSG. We do not want our SG and DoSG people to be perpetual victims: but rather, positive agents who contribute to their culture, broader society and live meaningful and fulfilling lives.

Yokai provides this submission as a unique representative body in terms of demography and numbers of high needs people (47% of the WA Aboriginal population) and one which seeks to work with the WAG and other relevant organisations for the purpose of benefiting its members and the broader Aboriginal Peoples of Western Australia. We have as our values and overall purpose: Truth; Justice; Healing; and Self-Determination. We have provided letters of support from organisations we have currently made and built positive relationships with based on our strategic plan: refer to Appendix 1.

Yokai’s strength in developing sustained partnerships is evident in the City and Regional premises which are rent free and are indicative of support. With these premises come gifted utility costs: for e.g. Curtin Law School providing AO Neville’s old office in Perth CBD. As well as, the Anglican Church providing Sister Kate’s nunnery with Parkerville youth and child

centre for practice facilities imbedded in Stan Peron Youth Advocacy Centre Midlands. We are currently negotiating a property in Kalgoorlie/Boulder a well-maintained former youth hostel from Department of Communities.

## **B. STRATEGIC ELEMENTS**

### *1. Putting Culture at the Centre*

- (a) Valuing, celebrating and promoting Aboriginal peoples' cultures, languages, relationships to country, knowledge, and heritage.
  - Recognising Aborigines as the "First People's" of the land: as stated by the High Court in *Mabo (No2)* and recently reaffirmed in *Love v Commonwealth* which clearly restated Aboriginal people as the "First People's" of Australia.
  - Supporting and developing initiatives that celebrate Aboriginal culture throughout the State of Western Australia.
- (b) Recognising the importance of culture to people's wellbeing and resilience, and the impacts of past government – WAG - policies on Aboriginal people's connection to culture and country.
  - Cultural healing – 10 ingredients: refer to "Creative Arts, Culture, and Healing: Building an Evidence Base" Linda Archibald Jonathan Dewar *Pimatisiwin: A Journal of Aboriginal and Indigenous Community Health* 8(3) 2010  
[https://journalindigenousewellbeing.com/media/2018/12/1\\_Archibald.pdf](https://journalindigenousewellbeing.com/media/2018/12/1_Archibald.pdf)
  - Language: developing a strategy to develop and support language – reclamation and practice.
- (c) Utilising agreements between the WAG and Yokai to recognise and support Aboriginal people's cultural identity, cultural continuity, and connection to country and heritage, through:
  - Supporting SG and DoSG to engage with land and areas of significance to them.
  - SG and DoSG have been prevented from accessing meaningful sites of significance: such as missions.
  - Many SG and DoSG have difficulty establishing their Aboriginal heritage.
  - There are issues surrounding the access to cemeteries which hold and have important emotional and spiritual significance; and
  - Yokai is required to enter into ILUAs in order to utilise buildings and land.
- (d) Investing in initiatives that support cultural identity, continuity and authority – including through native title and land settlements, language and heritage.
  - Assisting SG and DoSG ability access records.
  - Making the process simpler - how to go about getting them.
  - All Western Australian "missions"; and
  - Information surrounding removal being made available without cost.

2. *Bringing decisions closer to communities including their SG and DoSG members through empowered and more inclusive engagement and agreement-making*

- (a) Improving government processes and structures to allow more decisions to be made at the regional or local level, including decisions about:
- developing policy and system reforms.
  - commissioning services, including shared with other agencies.
  - coordinating service delivery; and
  - ensuring data, including expenditure data, is available at the relevant scale.
- (b) Ensuring Aboriginal people have a formal and systematic role in decision-making processes.

Yokai has through its wrap around approach and inclusive membership, held frequent workshops and forums to deal with specific issues giving their survivors' voice in decisions: for e.g. National Redress Scheme and "A Path Forward".

3. *National Redress Sexual Abuse*

- Yokai facilitated a forum including: Knowmore; Relationships Australia; Yorgum.
- Members were able to provide their grievances.
- Outline issues affecting them such as: counselling; delays in processing applications
- Through this process failings in the Redress process were identified.
- Reference group established with ALS(WA); Knowmore; Relationships Australia; Yorgum; with Yokai as Chair; and
- Note Volume 9 and Recommendations 9.1, 9.2 and 9.3. To date counselling has not been provided across WA due to funding problems. This is a critical issue as it relates to both implementation of the recommendations and also the health and well-being of victims.

4. *"A Path Forward"*

- Yokai held a community delegated forum to consider the 'Strategic Elements'; and
- Members provided opinions and feed-back which we have incorporated into this submission.

5. *MercyCare*

- Developed Memoranda of Understanding on combined social and emotional well-being services (SEWB), therapeutic communities and prisoner rehabilitation.

6. *Parkerville*

- Youth child welfare; and
- Established a relationship for members to deal with healing of families to decrease numbers of Aboriginal children in out-of-home care.

7. *Kalgoorlie*

- Leadership group formed to establish collective and cultural healing programs; and
- Engaged with the community in immediate SEWB service users.

8. *MyPlace*

- Developed a Memorandum of Understanding.

9. *Curtin University*

- As noted above, Yokai has been provided a space situated in AO Neville's old office: rent free and utilities free of charge.

(a) Faculty of the Build Environment:

- Virtual reality 'tool';
- A platform to capture the history of Stolen Generations; and
- Developed for the purpose of healing and as an educative platform for the purpose of cultural understanding through true accounts of colonial history of WA, educational tools and cultural heritage.

(b) Curtin Law Clinic:

- Established a relationship with Curtin Law School and Curtin Law Clinic.
- Developing a Memorandum of Understanding; and
- Engaging in *pro bono* legal support for Aboriginal corporate's governance, taxation issues, racial and disability discrimination.

10. *Culturally Appropriate and Supported Services*

As noted above, Yokai has established partnerships and developed memoranda of understanding with key stakeholders, and in doing so, built cultural understanding and respect through mutual agreements.

Yokai and BTH initiated the development of Reconciliation WA and Reconciliation Action Plans (RAP) for the specific purpose of developing cultural understanding of SG and DoSG when developing relationships, respect, opportunities such as education development.

There are shortcomings by successive government policies in their inability to directly engage with Aboriginal people in WA as identified by COAG requirements in 'Closing the Gap' (CG) including, but not limited to: justice; child removal; education; and health employment.

Yokai asserts that it has engaged with the following "Strategic Elements" through its partnerships and ongoing arrangements:

- *Recognising and supporting Aboriginal leadership, representation and engagement, including through . . .*

- *Enabling Aboriginal-led solutions through improved service commissioning and grant-making*
- (a) Investing more in preventative and early intervention initiatives as follows:
- Drug prevention and education: immediate and number one issue.
  - Working with SG and DoSG in relation to developing initiatives.
  - Develop a Justice panel to engage with Parliament, Judiciary, Police and Corrections.
  - Supporting parents.
  - Working with ACCHO's.
  - Training programs – Mental Health First Aid, Understanding; and
  - SG (needs and ways forward), Trauma understanding SG.
- (b) Building cultural understanding and respect:
- Yokai Employment Forum – 200 employers wanting to enlist and keep Aboriginal Employees was initiated by Yokai and BTH: and
  - All the costs were borne by industry.

### **C. RESPONDING TO THE KEY QUESTIONS**

Below is a brief engagement with the key questions.

#### *1. Are the main idea's, right?*

*Do you agree with the description of the overall goal, principles, strategic elements and framework? Would you change or add anything?*

Overall, the main idea and goals have identified the pertinent issues facing SG and DoSG, as well as, Aboriginal people in Western Australia generally. However, there are significant gaps in the implementation of the strategic elements. The strategic elements are not singular – existing independently – they are in some cases intertwined. For example: we note that mental health and trauma is a major issue facing SG and DoSG which needs to be addressed first as it impacts on health; employment; interaction with the justice system; child removal; homelessness; education; and mortality rates.

#### *2. Are we using the right words?*

*You might broadly agree with the main ideas but want to see them expressed using different language. We welcome your recommendations. In particular, we are interested in whether the term “Aboriginal people” should be used or whether other terms such as “First Nations” would be more appropriate.*

Yokai held a forum and were informed by members that they prefer the use of the term Western Australian Aboriginal Peoples as opposed to First Nations. In the case of where specific “nations” are being referred to, the names of the nations should dominate for e.g. Noongar, or more specifically Whadjuk, Yued etc.

3. *What else should we be thinking about?*

*You may have a view on how the strategy should be implemented in a particular region or subject area, or examples of current good practice. Your ideas are valuable to us.*

Our view is that in relation to services dealing with SG and DoSG there needs to be a focus on melding the services so that they take on a “wrap around approach”. Currently, the services being provided are limited because they operate in a more traditional service model delivery structure. Whereas:

“[t]he wraparound model adopts a client-driven approach instead, where services are ‘wrapped around’ the client and their family in their natural environments as a way to improve client outcomes.

This is confronting to the traditional conception of service provision and our challenge is to prove that this approach produces better social outcomes; and is financially more expedient.”

<https://probonoaustralia.com.au/news/2019/11/lessons-from-wraparound-care-the-future-of-integrated-social-services/>

So, our approach has been to consider a model and delivery service which is capable of addressing our clients’ needs by adopting a ‘wrap around’ service approach aided by individual advocacy on behalf of families. There has been a demonstrable reduction in negative social impact to families in our work and very high reductions in government expenditure with this model of social reinvestment.

Importantly, issues relating to SG and DoSG are trauma and transgenerational trauma (TTT) which have significant impacts. This means we consider a:

“[j]oined-up, wrap-around service delivery has been particularly successful in disadvantaged communities. As a result of broader economic, social and structural factors, some communities are disadvantaged due to deficits in several resource domains. It is the lack of resources, rather than the family or community type, which increases families’ vulnerability to poor outcomes. Disadvantaged neighbourhoods and communities - which may be characterised by high unemployment, high crime rates, lack of services and social supports, or poor community and social infrastructure - can compound vulnerability for individuals and families, in particular children. Conversely, strong, cohesive communities can provide important social supports and informal networks which play an important protective role for individuals, families and children and decrease the risk of negative outcomes.”

<https://aifs.gov.au/cfca/publications/good-and-innovative-practice-service-delivery-vulnerab/introduction>

Ultimately, our concern is ensuring that the nature of the long-term issues facing SG and DoSG are dealt with and this requires service providers and Yokai working together in a ‘wrap around’ approach with individual advocacy supports from local community members.

(a) Trauma, Transgenerational Trauma, Healing

Western Australian Aboriginal Peoples were affected directly and indirectly by WA Government policies. This has been the cause of long lasting hurt and pain to SG an DoSG.



The emotional and social wellbeing has effectively been a genocidal impact that continues to have a residual effect in various forms. We note that there are already a number of important and significant recommendations that endeavour to deal with the ramifications of the past policies and practices. Some of those recommendations of various reports and reviews are relied upon by “A Path Forward”. However, from our perspective, it is imperative to be mindful that, as noted by Professor Milroy:

“I don’t think that as a nation we’ve fully understood the level and magnitude of trauma Aboriginal and Torres Strait Island children and people have been through,” she said. ‘It’s still going to take a lot of courage, a lot of effort and a lot of collaboration to get things right.’ ”

<https://www.businessnews.com.au/article/Milroy-maintains-fight-for-Australia-s-children>

Preventative measures and policies are needed to be put in place in order to address TTT. For example:

“To date, we have not had a healing that has been in any way commensurate to the scope of the ‘hurt’. And this hurt has been insidious. This hurt has been far-reaching, and this hurt has become entrenched. And make no mistake that this hurt is current; it is now, and it is prevalent. Hill, Lau, and Sue (2010) point out that ‘a number of researchers have postulated that the legacy of colonisation, despite the end of formal occupation and overt forms of oppression, continue to exert powerful psychological effects on the identities of the colonised’ .” (p. 39)

“This author’s research suggests that Australia’s First People need access to effective and appropriate healthcare and education, and they have a basic human right to ‘safe and effective care’. Safe and effective care, in this context, needs to be well-informed and relevant care.”

“Collective trauma, soul wounding, and malignant grief can all be consequences of colonisation. They are interrelated and sometimes interchangeable, and soul wounding and malignant grief can be results of collective trauma.”

Merritt, Shane. First nations Australians - surviving through adversities and malignant grief [online].

Grief Matters: The Australian Journal of Grief and Bereavement, Vol. 14, No. 3, Summer 2011: 74-77. Availability:

<https://search.informit.com.au/documentSummary;dn=822398747381398;res=IELIAC> <ISSN: 1440-6888. [cited 24 Feb 20].

Reports, have over the years identified successive generations of multiple episodic traumas including extreme poverty developmental (childhood) TTT as causes of ‘colonialism’, which we suggest has not dissipated, but we suggest *settler colonialism* and *neo-colonial settlerism* is the on-going praxis of *colonial settlerism* and this continues to have an effect on SG and DoSG. Trauma includes, but is not limited to, epigenetic disorders such as, those causing diabetes, pulmonary heart problems *et al.* This trauma plays a significant role in the lives of SG and DoSG.

In order to understand TTT's impact and relevance to mental health, environmental health and general health and wellbeing, there are important matters to consider. That is:

“[incorporating] a 'strengths' perspective that refers to the wellness of the individual, encompassing mental, physical, cultural and spiritual health. When this harmony is upset we experience ill health and the many associated problems.” Young, Robin. The Stolen Generation [online]. *Psychotherapy in Australia*, Vol. 16, No. 1, 2009 Nov: 59. Availability: <<https://search.informit.com.au/documentSummary;dn=681023134320107;res=IELIAC>> ISSN: 1323-0921. [cited 24 Feb 20].

When considering the way in which TTT manifests itself and can be experienced within the Aboriginal community and the wider non-Aboriginal community, we draw attention to issues surrounding the justice system and in particular the criminal justice system. As stated in the National Mental Health Commission submission to the Productivity Commission 2019 Draft Report on Mental Health:

“[m]ental illness and the justice system have a complicated relationship. Involvement with the justice system does not only mean people engaged in the criminal courts or who are incarcerated, but also includes people engaged with civil and family courts, police, and who are victims of crime. While most people with a mental illness, including those with major illnesses, do not commit crimes, people living with a mental illness are more likely to be involved within the justice system. Additionally, if not provided appropriate mental health support, people living with a mental illness are more likely to become re-involved with the justice system. It is likely that access to earlier intervention and appropriate care would prevent involvement within the justice system. Significantly overrepresented within mental illness prevalence and within the justice system, are Aboriginal and Torres Strait Islander people. Reforms in both systems need to address the profound generational impact on individuals and communities both presently and in the future.” (page 16)

<https://www.mentalhealthcommission.gov.au/getmedia/e4c0f6d3-2339-4719-a94d-06c21a73fd5f/NMHC-Submission-to-PC-Draft-report-into-Mental-Health-January-2020.pdf>

The issues facing SG and DoSG require an understating of their situation stemming from living in a *neo-colonial settler* state and dealing with what is termed a “white man’s world.”

We also note, that at this stage the WAG, whilst it has acknowledged the “Bringing Them Home” report and the “Bringing Them Home: 20 years On”, has not provided redress and/or compensation to the SG as recommended by these reports. The “Heads of Damages” clearly lists the nature of damages to be compensated for and this both informs and directs attention to the trauma and transgenerational trauma and resultant deracination.

*“Heads of Damage*

14. *That monetary compensation be provided to people affected by forcible removal under the following heads.*
  1. *Racial discrimination.*
  2. *Arbitrary deprivation of liberty.*
  3. *Pain and suffering.*
  4. *Abuse, including physical, sexual and emotional abuse.*
  5. *Disruption of family life.*

6. *Loss of cultural rights and fulfilment.*
7. *Loss of native title rights.*
8. *Labour exploitation.*
9. *Economic loss.*
10. *Loss of opportunities.”*

We note that Tasmania, New South Wales and South Australian governments respectively, have introduced a compensation scheme for SG. We have attached in the appendices below a “Client Advice” on the subject “State and Territory stolen generations repatriations schemes” prepared by the Commonwealth Parliamentary Library dated 11 February 2020. As identified in the Client Advice, the WAG implemented the *Redress WA* scheme which aimed to provide redress for abuse suffered by children, including Stolen Generation children and Child migrants.” (page 5) Whilst the WAG is to be commended for such a scheme, the issue for SG and DoSG is that the redress only provided for ‘abuse suffered’. It therefore, did not address the overarching issues identified in the BTH and reaffirmed in BTH20 report in Appendix 1 page 50:

“Reparation should be made to people who were forcibly removed, family members, communities and descendants.  
Monetary compensation be provided through a national compensation fund.  
Recommendations: 3, 4, 14, 15, 16a and b, 17, 18, 19, 20 and 41.”

Furthermore, as identified in Appendix 1 of the BTH20, at page 50, other key recommendations need to be addressed. They are being:

“Recordings, Family Tracing and Reunion: Recommendations 1, 11, 13, 21, 22 a-b, 23, 24, 25, 27, 28, 29 a-b, 30 a-b, 31, 38 a-b-c and 39.”

Currently, removal of Aboriginal children is higher than non-Aboriginal children, which indicates an increase: this is distressing. As reported by Child Protection Australia 2016-2017:

“Aboriginal and Torres Strait Islander children were 7 times as likely as non-Indigenous children to have received child protection services.”  
<https://www.aihw.gov.au/reports/child-protection/child-protection-australia-2016-17/contents/table-of-contents-print-report>

The Australian Institute of Health and Welfare report, “Aboriginal and Torres Strait Islander Stolen Generations and descendants: Numbers, demographic characteristics and selected outcomes” (2018) should be noted for identifying statistical data going to the very heart of lived experiences of SG and DoSG. The overall data highlights that the impact and effects of colonisation has not dissipated. Rather, as reported in “Children living in households with members of the Stolen Generations”, noted:

*“How do children living in Stolen Generations households compare with adult descendants?”*

The differences seen between children living in Stolen Generations households and the reference group of Indigenous children mirror to some extent the differences seen between the adult descendants of the Stolen Generations and their Indigenous reference group, described in AIHW (2018a). The children currently living in households with members of the Stolen Generations will themselves become adult descendants of the

Stolen Generations, as defined in the previous AIHW analysis. The experience of trauma and the higher likelihood of other adverse outcomes for the adult descendants, as detailed in AIHW (2018a), will be conditioned by their own childhood experiences.”  
<https://www.aihw.gov.au/getmedia/a364d8f1-eeee-43c3-b91e-0fb31ebecf30/AIHW214-Children-and-Stolen-Generation.pdf.aspx?inline=true>

Ultimately, this is an issue that requires addressing in collaborative manner. This would include working alongside the WA community mandated and led representative organisations such as Yokai in order to develop appropriate support networks and engagement with SG and DoSG. Especially relevant is the recommendation Appendix 1 of the BTH20, at page 51, being:

“Guarantees Against Repetition:

Adequate funding to Aboriginal and Torres Strait Islander health and mental [health] services to establish preventative mental health programs in prisons and detention centres and detention centres.

National framework legislation for the implementation of self-determination in relation to the well-being of indigenous children and young people.

Recommendations: 37, 42, 43, 44, 45, 46, 47, 48, 49, 50, 53 and 54.”

As such, whilst the overall goal is aspirational and provides a foundation, the WAG has not provided an appropriate response to such recommendations which diminishes and lessens the life changing nature and impact of the overall goals.

The significance of compensation or forms of redress cannot be underestimated. It is worth here noting the United Nations Declaration on the Rights of Indigenous Peoples (UNDIP): (relevant Articles are provided in the Appendices). It is referred to here to both identify Australia’s obligations attached to it, as well as, highlight the role the WA Government can play through COAG to ensure accountability. For example: in relation to Closing the Gap. Article 8 of the UNDIP specifically states that “states shall provide effective mechanisms for prevention of, and redress”, along with Article 11 which is more general in scope, but also identifies redress as an important component. We say, compensation should be contextualised as a process of breaking the TTT cycle(s), not merely as a form of monetary compensation for “damage” and “loss”. Our members have considered this issue and suggest that housing and accommodation should also be considered as forms of compensation and redress.

Lastly, we note that a key task of our organisation is truth-telling - a necessary precursor to achieving the justice and healing outcomes for SG survivors, as well as, broader understanding and respect among the wider community. The annual Sorry Day event that Yokai coordinates, is a key example of this truth-telling role that engages thousands of school students in understanding the history of the Stolen Generations and the healing strength of Aboriginal culture. Continued and expanded support of these cultural services and truth-telling events is vital for building understanding and respect of Aboriginal people and culture. Another activity we are forward in leading is a justice reinvestment strategy as advocated by Social Reinvestment WA

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Western Australian Stolen Generations Aboriginal Corporations  
Trading as Yokai

## D. APPENDICES

### *CLOSING THE GAP – REPORT 2020*

“Aboriginal and Torres Strait Islander people who participated in consultations during the Closing the Gap Refresh process expressed their desire for a strong and inclusive partnership and a greater say in the design and delivery of programs and services. The partnership is changing the conversation. It is becoming clear that priorities for the future involve creating more opportunities for shared decision-making, improving access to and collection of data to increase transparency, building the Aboriginal and Torres Strait Islander community-controlled services sector, and ensuring all mainstream institutions deliver programs and services that meet the needs of Aboriginal and Torres Strait Islander people.” (“Closing the Gap” Report 2020 page 9)

“Progress against the Targets Progress against the Closing the Gap targets has been mixed over the past decade. As four targets expire, we can see improvements in key areas, but also areas of concern that require more progress.

- The target to halve the gap in child mortality rates by 2018 has seen progress in maternal and child health, although improvements in mortality rates have not been strong enough to meet the target.
- The target to halve the gap for Indigenous children in reading, writing and numeracy within a decade (by 2018) has driven improvements in these foundational skills, but more progress is required.
- There has not been improvement in school attendance rates to close the gap between Indigenous and non-Indigenous school attendance within five years (by 2018).
- The national Indigenous employment rate has remained stable against the target to halve the gap in employment outcomes between Indigenous and non-Indigenous Australians within a decade (by 2018). Two of the continuing targets are on track.
- The target to have 95 per cent of Indigenous four-year-olds enrolled in early childhood education by 2025.
- The target to halve the gap for Indigenous Australians aged 20–24 in Year 12 attainment or equivalent by 2020. However, the target to close the gap in life expectancy by 2031 is not on track. Jurisdictions agreed to measure progress towards the targets using a trajectory, or pathway, to the target end point. The trajectories indicate the level of change required to meet the target and illustrate whether the current trends are on track. See the Technical Appendix for further information. (“Closing the Gap” Report 2020 page 11)

### *STOLEN GENERATIONS - RECOMMENDATIONS*

#### *Reparations*

The relevant issue for SG and DoSG is the Western Australian Government following through with implementation of the recommendations set out in “The Bringing Them Home” Report. As of the date of this response, there have only been 5 of the 54 recommendations initiated by

governments as set out in the “Bringing Them Home 20 years on: An Action plan for Healing” by the Healing Foundation.

One of the most important and significant recommendations was for repatriation for SG survivors. As noted above, only Tasmania, New South Wales and South Australia have initiated and established a form of compensation for SG. Sadly, the Western Australian Governments have not acted upon this recommendation.

### *NATIONAL REDRESS*

At the beginning of 2019 the WA Government joined the National Redress Scheme: it enacted relevant legislation for this purpose.

The WA Government, like other State and Territory governments is required to abide by the requirements of the *National Redress Scheme Act*, and to provide relevant updates as to it’s the implementation of the recommendations.

A significant recommendation’s is set out in Volume 9 of the report under 9.1, 9.2 and 9.3. To date, these recommendations have only been noted by the WA Government.

### Western Australia Government – 6-month Review

#### *Redress and Civil Litigation (2015) - Accept in Principle*

9. Counselling and psychological care should be supported through redress in accordance with the following principles:

9a Counselling and psychological care should be available throughout a survivor’s life.

9b Counselling and psychological care should be available on an episodic basis.

9c Survivors should be allowed flexibility and choice in relation to counselling and psychological care.

9d There should be no fixed limits on the counselling and psychological care provided to a survivor.

9e Without limiting survivor choice, counselling and psychological care should be provided by practitioners with appropriate capabilities to work with clients with complex trauma

9f Treating practitioners should be required to conduct ongoing assessment and review to ensure treatment is necessary and effective. If those who fund counselling and psychological care through redress have concerns about services provided by a particular practitioner, they should negotiate a process of external review with that practitioner and the survivor. Any process of assessment and review should be designed to ensure it causes no harm to the survivor.

9g Counselling and psychological care should be provided to a survivor’s family members if necessary, for the survivor’s treatment.

#### *Final Report (2017) - Accept in Principle*

9.1 The Australian Government and state and territory governments should fund dedicated community support services for victims and survivors in each jurisdiction, to provide an integrated model of advocacy and support and counselling to children and adults who

experienced childhood sexual abuse in institutional contexts. Funding and related agreements should require and enable these services to

- 9.1a be trauma-informed and have an understanding of institutional child sexual abuse
- 9.1b be collaborative, available, accessible, acceptable and high quality
- 9.1c use case management and brokerage to coordinate and meet service needs
- 9.1d support and supervise peer-led support models

9.2 The Australian Government and state and territory governments should fund Aboriginal and Torres Strait Islander healing approaches as an ongoing, integral part of advocacy and support and therapeutic treatment service system responses for victims and survivors of child sexual abuse. These approaches should be evaluated in accordance with culturally appropriate methodologies, to contribute to evidence of best practice.

9.3 The Australian Government and state and territory governments should fund support services for people with disability who have experienced sexual abuse in childhood as an ongoing, integral part of advocacy and support and therapeutic treatment service system responses for victims and survivors of child sexual abuse.

9.6 The Australian Government and state and territory governments should address existing specialist sexual assault service gaps by increasing funding for adult and child sexual assault services in each jurisdiction, to provide advocacy and support and specialist therapeutic treatment for victims and survivors, particularly victims and survivors of institutional child sexual abuse. Funding agreements should require and enable services to

- 9.6a be trauma-informed and have an understanding of institutional child sexual abuse
- 9.6b be collaborative, available, accessible, acceptable and high quality
- 9.6c use collaborative community development approaches
- 9.6d provide staff with supervision and professional development

16.5.8 Each religious organisation should consider establishing a national register which records limited but sufficient information to assist affiliated institutions identify and respond to any risks to children that may be posed by people in religious or pastoral ministry.

17.1 The Australian Government and state and territory governments should each issue a formal response to this Final Report within six months of it being tabled, indicating whether our recommendations are accepted, accepted in principle, rejected or subject to further consideration

#### *UNITED NATIONS DECLARATION ON THE RIGHT OF INDIGENOUS PEOPLES (UNDRIP)*

UNDRIP was adopted by the General Assembly on Thursday, 13 September 2007.

#### Article 8

1. Indigenous peoples and individuals have the right not to be subjected to forced assimilation or destruction of their culture.
2. States shall provide effective mechanisms for prevention of, and redress for:

- a. Any action which has the aim or effect of depriving them of their integrity as distinct peoples, or of their cultural values or ethnic identities.
- b. Any action which has the aim or effect of dispossessing them of their lands, territories or resources.
- c. Any form of forced population transfer which has the aim or effect of violating or undermining any of their rights.
- d. Any form of forced assimilation or integration.
- e. Any form of propaganda designed to promote or incite racial or ethnic discrimination directed against them.

#### Article 11

1. Indigenous peoples have the right to practice and revitalize their cultural traditions and customs. This includes the right to maintain, protect and develop the past, present and future manifestations of their cultures, such as archaeological and historical sites, artefacts, designs, ceremonies, technologies and visual and performing arts and literature.

2. States shall provide redress through effective mechanisms, which may include restitution, developed in conjunction with indigenous peoples, with respect to their cultural, intellectual, religious and spiritual property taken without their free, prior and informed consent or in violation of their laws, traditions and customs.

#### Article 13

1. Indigenous peoples have the right to revitalize, use, develop and transmit to future generations their histories, languages, oral traditions, philosophies, writing systems and literatures, and to designate and retain their own names for communities, places and persons.

2. States shall take effective measures to ensure this right is protected and also to ensure that indigenous peoples can understand and be understood in political, legal and administrative proceedings, where necessary through the provision of interpretation or by other appropriate means.

#### Article 14

1. Indigenous peoples have the right to establish and control their educational systems and institutions providing education in their own languages, in a manner appropriate to their cultural methods of teaching and learning.

2. Indigenous individuals, particularly children, have the right to all levels and forms of education of the State without discrimination.

3. States shall, in conjunction with indigenous peoples, take effective measures, in order for indigenous individuals, particularly children, including those living outside their communities, to have access, when possible, to an education in their own culture and provided in their own language.

#### Article 18

Indigenous peoples have the right to participate in decision-making in matters which would affect their rights, through representatives chosen by themselves in accordance with their own procedures, as well as to maintain and develop their own indigenous decision-making institutions.



*AUSTRALIAN COMMONWEALTH GOVERNMENT RESPONSE TO THE UNITED NATIONS DECLARATION ON THE RIGHTS OF INDIGENOUS PEOPLES (UNDRIP)*

<https://www.reconciliation.org.au/wp-content/uploads/2017/11/Reconciliation-Australia-United-Nations-Declaration-on-the-Rights-of-Indigenous-Peoples-UNDRIP.pdf>

*“What is Australia’s current status in relation to the UNDRIP?”*

- When UNDRIP was first conceived in September 2007, Australia was among only four countries to vote against its adoption.
- On 3 April 2009, following a change of government, Australia then shifted its position in support of UNDRIP.
- In adopting UNDRIP, “Australia takes another important step in re-setting the relationship between Indigenous and non-Indigenous Australians and moving forward towards a new future,” explained then-Minister for Families, Community Services and Indigenous Affairs, Jenny Macklin.
- **Although UNDRIP is non-binding, Australia accepted UNDRIP as a framework for better recognising and protecting the rights of Aboriginal and Torres Strait Islander Australians.** (emphasis added)
- In November 2015, the Working Group on the Universal Periodic Review (UPR) held its twenty-third session. The UPR is a process which involves a review of the human rights records of all 193 UN Member States. On 9 November 2015, this included a review of Australia. <sup>2</sup>
- Recommendations from the 104 countries that made statements during the UPR included adherence to and/or implementation of the Declaration.
- A number of concerns were raised in relation to Australia’s treatment of Indigenous peoples. These included reports of high levels of discrimination against Aboriginal and Torres Strait Islander peoples (Japan), and that greater efforts were needed to ensure to enact and protect the rights of Aboriginal and Torres Strait Islander peoples. (New Zealand). Disproportionately high rates of Indigenous incarceration were also raised as a significant concern (Norway).
- In response to the recommendations of UPR, in March 2016, Australia reaffirmed a number of its commitments to improving the lives of Australia’s Indigenous peoples. This included measures to further implement its *Indigenous Peoples Strategy 2015-2019*, to better assist Indigenous women who were victims of family violence, and to develop a number of disability-inclusive strategies.
- **Yet in Australia today, unacceptable gaps across a number of areas – health, life expectancy, education, justice, and the right to be free of racism and discrimination, among them – continue to exist for Aboriginal and Torres Strait Islander peoples.** (emphasis added)

*How can Australia better implement the UNDRIP to bring about better outcomes for Aboriginal and Torres Strait Islander Australians?*

- The reconciliation movement is about recognising and healing the past and committing to a better future - a future in which we value First Australians and provide justice and equity for all.

- To realise a shared vision for a reconciled future, we must do more to ‘close the gap’ in a range of outcomes between Aboriginal and Torres Strait Islander and non-Indigenous Australians.
- Despite the challenges that lie ahead, there is an underlying desire for a more unified nation. Reconciliation Australia encourages governments at all levels to take action to progress the aspirations of the UNDRIP.
- To achieve this, Reconciliation Australia encourages the next Federal Government, and indeed all governments, to work in genuine partnership with Aboriginal and Torres Strait Islander people and their representative bodies.
- We must continue to harness the goodwill and aspirations of the Australian people and fuel the national conversation for the next 25 years. Only by maintaining this momentum do we have hope of achieving a just, equitable and reconciled Australia.”