



HealingFoundation

Strong Spirit • Strong Culture • Strong People

# ‘Are you waiting for us to die?’

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The unfinished business of  
*Bringing Them Home*



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# Acknowledgement

## The Healing Foundation

The Healing Foundation is the national Aboriginal and Torres Strait Islander organisation that elevates the voices and lived experiences of Stolen Generations survivors, their families and communities.

We are governed by an Aboriginal and Torres Strait Islander Board and Executive, guided in our work by Stolen Generations and Youth Reference Groups. We work closely with Stolen Generations Organisations to support survivors to tell their stories and drive their healing.

We work with government, policymakers, organisations and workforces to understand and take accountability for their role in meeting the needs of Stolen Generations survivors and intergenerational healing.

## Acknowledgement

The Healing Foundation acknowledges the custodians and communities of the lands on which we live and work. We pay our respects to Elders, Stolen Generations survivors and descendants, of the Dreaming and of the here and now who we work for every day, and those who never made it home.

## Message from The Healing Foundation Chair, Professor Steve Larkin

Australia is well overdue to meet the needs of Stolen Generations survivors and address the urgent unfinished business of the *Bringing Them Home* report. Nearly 30 years since its tabling, survivors are passing away at a rapid rate. Many are without the necessary supports or care to age with the dignity they deserve. In 2021 as Chair, I wrote the foreword to the *Make Healing Happen* report.<sup>1</sup> Since this time we at The Healing Foundation have seen many survivors pass, with little change to the aged care, health, and other services so critically needed.

The *Bringing Them Home* report made a compelling case for a systematic response, designed around reparations and healing for survivors. Year after year, on the anniversary of the Apology, on National Sorry Day, when new research findings are released, in submissions to budgets and a range of inquiries..... we have kept up the calls and the Stolen Generations survivors have continued to retell their stories to ensure their voices are not dismissed. In fact, since the National Apology was delivered by Prime Minister Kevin Rudd in 2008, Stolen Generations survivors have testified at more than 20 inquiries, including royal commissions examining institutional responses to child sexual abuse, aged care and disability. Surely their case is made – the case for little or no action is not.

**WARNING: Aboriginal and Torres Strait Islander readers are warned that this paper contains stories about and references to deceased persons.**

## About this report

The *Are you waiting for us to die? The unfinished business of Bringing Them Home* report has been developed by The Healing Foundation to urge implementation — 28 years later — of the outstanding recommendations of the 1997 *Bringing Them Home* inquiry. We call on all political parties, federal, state and territory governments, police, churches and other agencies and organisations to meet their responsibilities to support the Stolen Generations, who were subject to forcible removal from their families and communities over many decades of harsh and cruel policies. Survivors have suffered trauma often compounded by further trauma that was left untreated.

Our recommendations have been informed by the *Discussion paper on the unfinished business of the Bringing Them Home report*, researched and written by Professor Alison Gerard and Maureen Bates-McKay from the University of Canberra.

The Healing Foundation commissioned their work to assess and analyse the status of the *Bringing Them Home* report recommendations to inform next steps on policy action, advocacy and communication. It can be read in full [here](#).

## Terminology

**Stolen Generations:** The Stolen Generations (also known as Stolen Generations survivors or Stolen Children) are Aboriginal and Torres Strait Islander children who were forcibly removed or separated from their families and communities by governments, churches and welfare bodies using official laws, practices and policies that legitimised compulsion, duress or undue influence. Each of the terms ‘compulsion’, ‘duress’ and ‘undue influence’ are defined in the opening sections of the *Bringing Them Home* report. The period in which these laws applied spanned from the mid-1800s to the 1980s, with variations by jurisdiction. Children were placed in institutions, missions, training farms and schools, foster care or adopted; separated from their culture, family, land and identity and many suffered abuse and neglect.

We note that not all people forcibly removed during this period will choose to identify as ‘Stolen Generations’. In the preparation of the discussion paper, feedback provided to the authors by Stolen Generations survivors reiterated the importance of terminology and the distinction between children removed as part of the Stolen Generations, and those removed through legislation and policy in subsequent years and decades.

**Stolen Generations Organisations:** Throughout this document where we refer to Stolen Generations Organisations, we are including both Stolen Generation Organisations and Link-Up Services.

# Executive Summary

The Healing Foundation issues an urgent call to all political parties, governments, churches and other non-government agencies across Australia to work with Stolen Generations organisations, survivors and The Healing Foundation to finally deliver on the full recommendations and intent of the 1997 landmark *Bringing Them Home: report of the national inquiry into the separation of Aboriginal and Torres Strait Islander children from their families*.

***‘The test of a nation is not how far it advances its brightest and its best. The test of a nation is how far behind it chooses to leave its most vulnerable.’***

Ian Hamm (Yorta Yorta), Stolen Generations survivor

As shown in Figure 1, **only five of the total 83 recommendations have been clearly implemented**, 11 recommendations are categorised as a qualified pass, ten are classified as a partial failure to implement and **45 have failed to be implemented**. The status for ten of the recommendations is unclear, and one is no longer applicable.

Our call comes in response to the *Discussion paper on the unfinished business of the Bringing Them Home report*, written by Professor Alison Gerard and Maureen Bates-McKay from the University of Canberra and commissioned by The Healing Foundation.

The discussion paper examines the *Bringing Them Home* report and implementation of its recommendations since, drawing on other reviews and reports over the years, including *Bringing Them Home 20 years on: an action plan for healing* (2017) and *Make Healing Happen – It’s time to act* (2021).

It finds there has been a poor response at many levels to the *Bringing Them Home* recommendations, with the majority still unimplemented nearly 30 years later.

Notably, it found that the requirement for a ‘whole-of-government policy response with immediate targets, long-term objectives and a continuing commitment’ has not eventuated<sup>2</sup> and there has been ‘no systematic government response to the needs and rights of Stolen Generations survivors and their descendants’.<sup>3</sup>

Many of the failures are significant and damaging, including the failure by Queensland and Western Australian governments to yet introduce any reparations scheme for Stolen Generations. As the discussion paper’s authors note: ‘This is manifestly unjust’.

The discussion paper also documents flaws in other reparation schemes, lack of apologies from some police forces and other agencies, and failure to invest properly in cultural safety, healing programs, language and cultural facilities, and research, and to provide fair and just access to records.

As the authors conclude:

*‘Whilst the Bringing Them Home report and the testimonies of the Stolen Generations survivors left an enormous legacy, progress against its recommendations has been woeful. It is hard to conceive that gross human rights violations, documented and bravely retold by survivors in public forums, can be met with systematic inaction in so many areas. Yet that is the confronting reality that exists in Australia.’*

The urgency is driven not just by the moral imperative that the recommendations were made nearly 30 years ago, but also by the need to act swiftly to provide redress and other support to Stolen Generations survivors, given their age and often poorer health.

The Healing Foundation makes 19 recommendations as part of National Healing Package for Stolen Generations survivors across six areas – on reparations, rehabilitation and research, records, family tracing and reunions, acknowledgements and apologies, education and training, and monitoring and accountability.

They have been developed in response to the next steps recommended in the discussion paper and advice from Stolen Generations Organisations who know first-hand the continuing toll of forced removal of children on Stolen Generations survivors and their descendants.

They acknowledge that failure to systematically implement the *Bringing Them Home* report's recommendations and comprehensively respond to the needs of Stolen Generations survivors and their families has exacerbated intergenerational trauma, causing more pain and distress across Aboriginal and Torres Strait Islander communities.<sup>4</sup>

***'Us youth must advocate for their hurt and their trauma, because we're the ones that's also dealing with it and that's another way of changing and healing each other, because acknowledging their hurt is also acknowledging our hurt.'***

Jacinda Blurton, Stolen Generations descendant

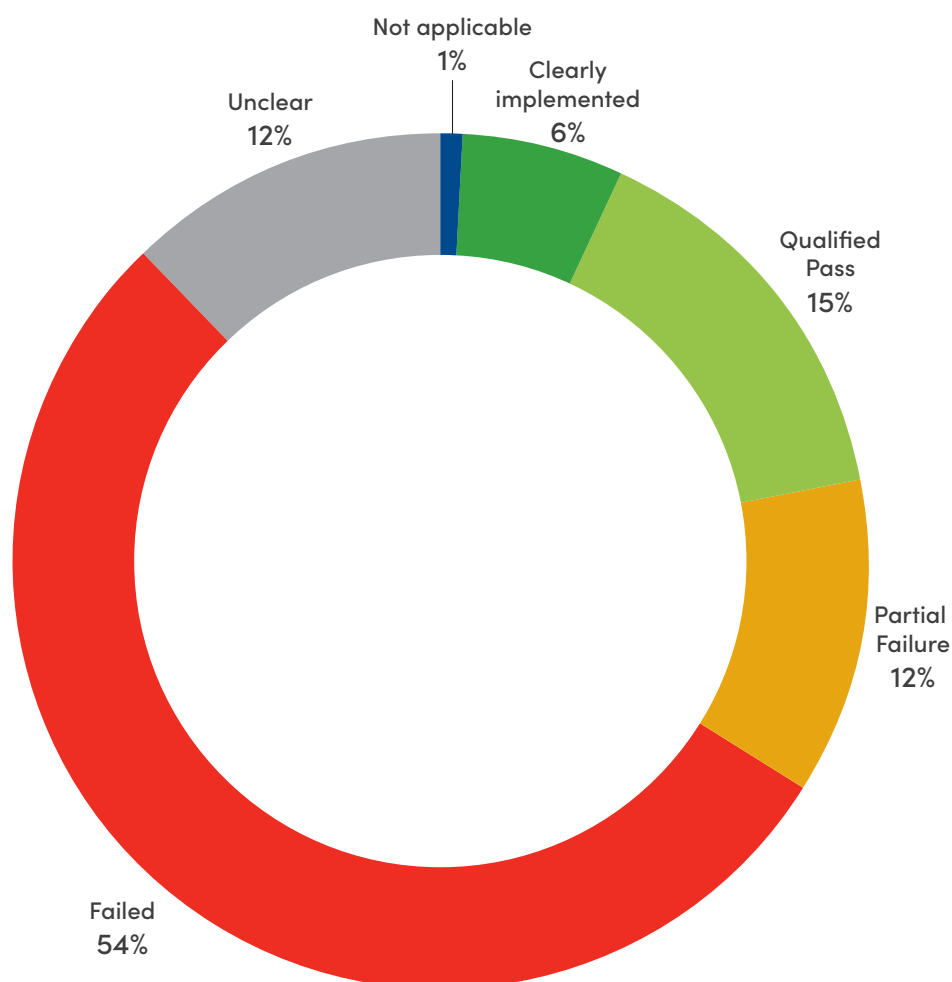


Figure 1: Status of the *Bringing Them Home* report recommendations based on the discussion paper findings

# Recommendations for urgent action

The Healing Foundation is calling on all governments to lead a comprehensive National Healing Package for Stolen Generations survivors that includes the following recommendations to be delivered through a systematic response.

## Reparations

1. **The Western Australian Government and Queensland Government must act urgently to deliver reparations to Stolen Generations** in line with the *Bringing Them Home* report, particularly as Stolen Generations are ageing.
2. **Other jurisdictions (particularly South Australia, Tasmania and New South Wales) should revisit existing and closed schemes to examine equity and access issues** due to significant discrepancies in some packages across states and territories.
3. **All schemes should be co-designed and evaluated with survivors, The Healing Foundation and Stolen Generation Organisations** to ensure best practice and that they capture lessons learned from past reparations packages.
4. **Governments, churches and other relevant parties should fund and work with survivors, Stolen Generations Organisations and Aboriginal and Torres Strait Islander communities to self-determine the use of institution sites** based on the needs of the community, such as for healing purposes, memorials or museums.

## Rehabilitation and research

5. **Adequate and sustainable funding for Stolen Generations Organisations and The Healing Foundation is required** to ensure they can continue to provide services and support to survivors, their families and communities.
6. **Governments and other funders must invest in a skilled and sustainable workforce for Stolen Generations Organisations that can continue to provide culturally safe services and support to Stolen Generations survivors, their families and communities.** There is a critical need for a trauma-informed culturally based healing workforce, including research and social and emotional wellbeing workers, that are recognised and supported by training and resources. Funding and workforce development must also recognise the weight of vicarious trauma and the value of specialist knowledge, and reunion and healing work being done.
7. **Culturally safe and survivor led Elder care services are critical for Stolen Generations survivors and descendants.** All services and programs provided to Stolen Generations survivors must emphasise local Indigenous healing and wellbeing perspectives that are grounded in intergenerational trauma-informed healing.
8. **Governments and other funders must support data and research efforts to meet the needs of Stolen Generations survivors and descendants,** including enabling The Healing Foundation to research the effects of forcible removal and the ongoing impact on survivors and descendants, to better understand their ongoing needs. Governments that collect data related to Stolen Generations survivors must work in partnership to coordinate the collection and sharing of such data to support research efforts. Funding and support are also required for research driven by Stolen Generations Organisations to support the important work they do and the histories they hold.



## Records, family tracing and reunion

9. **Federal, state and territory governments should establish traineeships and scholarships for Indigenous archivists, genealogists, and historical researchers.** These skills and capacities are particularly critical in and for Stolen Generations Organisations and other relevant community owned record keeping places.
10. **Government commitments to Indigenous Data Sovereignty, and the principles for nationally consistent approaches to accessing Stolen Generations records** held by government record holders and collection agencies (including churches), must be implemented through legislative and institutional policy.
11. **The Federal Government should address the needs of Stolen Generations survivors living outside Australia, including citizenship,** working through the offices of the Ambassador for First Nations People and Minister for Indigenous Australians and alongside The Healing Foundation and Stolen Generations Organisations.

## Acknowledgements and apologies

12. **The Australian Federal Police, ACT Police, Queensland Police Service, Tasmania Police and South Australia Police should act urgently to deliver apologies to Stolen Generations** for harm caused to them, as have police in other state and territory jurisdictions.
13. **Churches and other non-government organisations that have not yet delivered apologies for their roles in harm done to the Stolen Generations should do so urgently, and act to ensure safe and easy access to their records.** There may be a role for Aboriginal and Torres Strait Islander churches in this process, through the Australian Indigenous Ministries and the National Aboriginal and Torres Strait Islander Ecumenical Commission of the National Council of Churches in Australia.
14. **Governments should continue to honour the Stolen Generations by supporting and funding National Apology and Sorry Day events and memorials,** to be conducted under the custodianship of The Healing Foundation and Stolen Generations Organisations.
15. **All levels of government should consider grants and funding opportunities to support Stolen Generations memorials,** in collaboration with local Stolen Generations survivors, communities and organisations.

## Education and training

16. **Australian universities, vocational institutions and schools must work closely with Aboriginal and Torres Strait Islander stakeholders to determine how core curricula can effectively include the history and effects of forcible removal.** This would be done through implementation of the Aboriginal and Torres Strait Islander Histories and Cultures cross-curriculum priority, the Universities Australia Indigenous Strategy 2022-2025 and vocational curriculum and training content can be developed with advice from The Healing Foundation.
17. **Governments must mandate the inclusion of working with survivors in training for all professionals who work with Aboriginal and Torres Strait Islander children, families and communities.** Key workforces and professionals (i.e. aged care, social services, child protection, justice and others) must undertake in-service training about the history and effects of forcible removal. Funding must be made available to support the development of survivor led training.

## Monitoring and accountability

18. **Federal, state and territory governments must fund and lead a National Healing Package that involves a systematic pathway of reforms for the recommendations of this report including monitoring and accountability efforts.** This should be done in partnership with The Healing Foundation and Stolen Generations Organisations.
19. **The Closing the Gap National Agreement, aged care frameworks and other relevant policies must include policies for Stolen Generations survivors and descendants.** These are appropriate avenues for pressing accountability on relevant recommendations and on the 'gap within a gap' identified for Stolen Generations survivors and their descendants.

## About the discussion paper

The discussion paper examines *Bringing Them Home: report of the national inquiry into the separation of Aboriginal and Torres Strait Islander children from their families* (1997) and draws on a number of reports since, including the:

- 1998 *Social Justice Report* of the Human Rights and Equal Opportunity Commission
- 2001 Senate Legal and Constitutional Affairs Committee Report, *HEALING: A Legacy of Generations*
- 2003 Ministerial Council for Aboriginal and Torres Strait Islander Affairs (MCATSIA) evaluation
- 2007 evaluation of Indigenous mental health programs
- *Bringing Them Home Scorecard Report 2015* by John Rule and Elizabeth Rice, commissioned by the National Sorry Day Committee
- *Bringing Them Home 20 years on: an action plan for healing* report from 2017 written by Dr Pat Anderson and Edward Tilton, commissioned by The Healing Foundation
- *Make Healing Happen* report by The Healing Foundation in 2021.

It reminds us of the significance of the *Bringing Them Home* report, particularly in stating:

- » **Truth-telling:** *Bringing Them Home* was the first government inquiry that documented the experiences of Stolen Generations survivors and the impacts of their forced removals. Stolen Generations survivors report that the role of truth-telling was one of the most important outcomes for them and their families.<sup>5</sup> Assistant Professor Narelle Bedford, a Yuin woman and law academic, has written that truth-telling 'can be a powerful tool for transforming legal thinking'.<sup>6</sup> It took a lot of trust for Stolen Generations survivors to share their experiences, and questions have been legitimately asked as to whether this trust has been repaid.<sup>7</sup>
- » **Highlighting 'a gap within a gap':** The *Bringing Them Home* report documented the impact of forced removal on individuals, families and communities and the complex needs of survivors. Research released by the Australian Institute of Health and Welfare in 2021 shows that Stolen Generations survivors and their families fare worse on a range of health and social outcomes, not just compared to non-Indigenous Australians but compared to Aboriginal and Torres Strait Islander people who were not removed.<sup>8</sup>

The discussion paper also notes that the 2017 report to mark the 20th anniversary of the *Bringing Them Home* report concluded that:

*'...it is clear that the failure to properly implement this vision represents a significant and missed opportunity to address trauma in Aboriginal and Torres Strait Islander communities and to provide a basis for genuine reconciliation in Australia'.<sup>9</sup>*

The discussion paper highlights that the *Bringing Them Home* report made 54 main recommendations – and 83 in total when all the component parts of individual recommendations are tallied

According to its desktop review and analysis, **only five of those 83 recommendations have been clearly implemented** – just 6 percent, nearly 30 years, or a full generation later.

The authors' verdict is that responses have been 'woefully inadequate', including that successive federal, state and territory governments have failed to meet the *Bringing Them Home* requirement for a 'whole-of-government policy response with immediate targets, long-term objectives and a continuing commitment'. They present evidence that this failure has created further trauma and distress for the Stolen Generations, their families and wider communities.<sup>10</sup>

Key failures include that there has been 'no systematic government response to the needs and rights of Stolen Generations survivors and their descendants'.<sup>11</sup> As a result, the discussion paper highlights that reparations processes have not yet been delivered in Queensland and Western Australia and need to be revisited in other jurisdictions. Access to records, a crucial part of healing, is inconsistent and inequitable, particularly across state and territory borders. Healing services struggle to deliver sufficient supports, and there is an urgent need to address culturally safe, trauma informed aged care for Stolen Generations survivors as they age, to ensure they are not retraumatised.

## Background and main findings of the discussion paper

*Note: This chapter contains full excerpts from the Discussion paper on the unfinished business of the Bringing Them Home report. We acknowledge the work of Professor Alison Gerard and Maureen Bates-McKay from the University of Canberra.*

### The National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from their Families

The forced removal of Aboriginal and Torres Strait Islander children from their families and communities was common government policy across Australia from the mid-1800s until the 1970s. The aim of these policies was to eliminate Aboriginal and Torres Strait Islander peoples as distinct peoples – practice which is consistent with the act of genocide as outlined in the United Nations Convention on the Prevention and Punishment of the Crime of Genocide. Widespread denial of this history was the norm until the inquiry and subsequent *Bringing Them Home* report.

Indigenous agencies and communities fought for a national inquiry to draw attention to the history of forced removal and the needs of survivors and their families, including access to services.<sup>12</sup> Then Attorney General, Emeritus Professor Michael Lavarch, referred the matter to the Human Rights and Equal Opportunity Commission (HREOC), now known as the Australian Human Rights Commission, on 11 May 1995. The late Sir Ronald Wilson, then HREOC President, and the then Aboriginal and Torres Strait Islander Social Justice Commissioner, Professor Mick Dodson AM, primarily conducted the hearings.

The Commissioners were tasked with reporting on four matters in consultation with Aboriginal and Torres Strait Islander communities, non-government organisations (NGOs), and relevant government authorities. These matters are summarised as:

- a) Tracing the content and effect of past laws, practices and policies that resulted in the separation of Aboriginal and Torres Strait Islander children from families by compulsion, duress or undue influence.
- b) Examining the adequacy of current arrangements for those peoples affected by forced removal and identifying any changes needed, including with regard to accessing family records and assisting with locating and reunifying families.
- c) Examining principles relevant to compensation for those impacted.
- d) Examining principles relevant to the contemporary 'placement and care' of Aboriginal and Torres Strait Islander children and advise on any changes especially to align with principles of self-determination by Aboriginal and Torres Strait Islander peoples.<sup>13</sup>

**'It is up to all of us to understand the urgency and the need to ensure that those recommendations are implemented fully — not in five years, not in 10 or 20 or another generation, but now.'**

Shannan Dodson (Yawuru), CEO, The Healing Foundation

The Commission conducted hearings across the country and an Indigenous Advisory Council was engaged throughout the inquiry. People and organisations could provide evidence in public or private sessions, through written submissions or oral testimony. Over 500 Aboriginal and Torres Strait Islander people provided evidence to the inquiry.

## The *Bringing Them Home* report

The *Bringing Them Home* report, a result of the inquiry, was tabled in Federal Parliament on 26 May 1997, which from the following year was established as National Sorry Day. The report concluded that forcible removal was an act of genocide and that the treatment of Aboriginal and Torres Strait Islander people was a breach of Australian legal standards and represented 'a gross violation of human rights' such that the Government owed reparations to those impacted.<sup>14</sup>

The *Bringing Them Home* report is an extraordinary document; it was the first government inquiry documenting the experiences of Stolen Generations survivors and the impacts of forced removal.<sup>15</sup> The Inquiry concluded that 'between one in three and one in 10 Indigenous children were forcibly removed from their families and communities in the period from approximately 1910 until 1970'.<sup>16</sup> The report laid a foundation for redress through its recommendations including a national apology, reparations, improved services, principles to govern a new framework and national minimum standards, and a process of monitoring the implementation of its recommendations.

As Dr Pat Anderson and Edward Tilton write:

*[T]he Bringing Them Home report provided a basis for genuine reconciliation, and for addressing issues of identity, trust and the experience of racism that continue to strongly affect the relationship between Indigenous and non-Indigenous Australia today.*

*The report made recommendations for addressing the needs of Stolen Generations members and their families, as well as other Aboriginal and Torres Strait Islander people regarding language; culture and history; mental health; the contemporary removal of children; and self-determination. It charted a way forward based on justice, on the healing of past hurts, and of breaking the cycle of intergenerational trauma.*<sup>17</sup>

The *Bringing Them Home* report is made up of six parts and a total of 26 chapters. The content traces the history of laws, policies, and practices behind the forced removal of Aboriginal and Torres Strait Islander children from families and communities (Part 2) and details the consequences of removal (Part 3). It sets out a framework for reparations (Part 4) and services for those affected by removal (Part 5). It concludes with an examination of contemporary separations of Aboriginal and Torres Strait Islander children from families and communities and establishes a new framework that centres self-determination and national minimum standards (Part 6).

The report set out 54 'head' recommendations (listed here in Appendix 1). It devised principles to underpin government responses to those affected by forced removal. These principles were summarised in the *Bringing Them Home 20 years on: an action plan for healing* report as: self-determination; non-discrimination; cultural renewal; a coherent policy base; and adequate resourcing.<sup>18</sup>

*Bringing Them Home* detailed the legal and policy frameworks behind the forced removal of Aboriginal and Torres Strait Islander children in each state and territory. It revealed how this was operationalised legally and practically and provided a national overview of the thinking behind these laws and policies. The National Overview is provided in Chapter 2 followed by each State and Territory in Chapters 3–9.

The consequences of removal are detailed in Part 2 and include harrowing evidence received through oral and written testimony from survivors about experiences as children following forced removal, including institutional conditions, abuse, education and work. These experiences are detailed in Chapter 10. The effects of separation from families and communities and the impacts of institutionalisation and abuse, and their continued intergenerational impact, are set out in Chapter 11. The realities of reunion, its importance, the challenges, supports available or unavailable, and the impact of removal internationally, are brought together in Chapter 12.

## Findings

Overall, federal, state and territory government responses to the *Bringing Them Home* report have been woefully inadequate.

The requirement for a 'whole-of-government policy response with immediate targets, long-term objectives and a continuing commitment' has not eventuated.<sup>19</sup> There has been 'no systematic government response to the needs and rights of Stolen Generations survivors and their descendants'.<sup>20</sup> By 2015, a scorecard found that fewer than one in 10 *Bringing Them Home* recommendations had been fully implemented with more than half assessed as having been implemented in a limited way or not at all.<sup>21</sup>

Since the *Bringing Them Home* report was tabled, both the removal of Aboriginal and Torres Strait Islander children into child protection systems, and the mass incarceration of Aboriginal and Torres Strait Islander people, have increased dramatically.<sup>22</sup>

There is some movement in the Territories Stolen Generations Redress Scheme, and the welcome introduction of Closing the Gap categories on youth justice and out-of-home care, but the 2024 Productivity Commission report on Closing the Gap found the gap targets are worsening and that the whole agreement will fail without fundamental changes.<sup>23</sup> It criticised what it said was a 'disregard' for representation by Aboriginal and Torres Strait Islander communities and the 'little effort' undertaken to address institutional racism in justice and health.<sup>24</sup> Action from governments and those agencies and institutions responsible for delivering progress against the *Bringing Them Home* report recommendations is urgent. We cannot wait another generation.

## Since the *Bringing Them Home* report

The failure to systematically implement the *Bringing Them Home* report's recommendations and comprehensively respond to the needs of Stolen Generations survivors and their families has exacerbated intergenerational trauma, causing more pain and distress across Aboriginal and Torres Strait Islander communities.<sup>25</sup> Ongoing experiences of racism and institutional racism compound existing traumas and are potentially 'retraumatising and can become a barrier to healing'.<sup>26</sup>

The legacies of dispossession, exclusion and discrimination are present within the ongoing challenge of securing change and resources for Stolen Generations survivors and their families. Concerns have been raised about funding moving away from the specific needs of the Stolen Generations in favour of initiatives to support the wider social, emotional and wellbeing needs of the Aboriginal and Torres Strait Islander community.<sup>27</sup> At the national Knowledge Circle in February 2018:

*Stolen Generations survivors reported that carrying a burden of chronic illness and trauma, and their need to care for grandchildren, often made it difficult to gain employment. This creates a reliance on unemployment benefits and further economic disadvantage that many find undignified and retraumatising.*<sup>28</sup>

Most Stolen Generations survivors are now aged over 50 years, making the urgency of action even more compelling,<sup>29</sup> including for survivors who are military veterans who have served their country and for whom reparations are a matter of urgency. Those Stolen Generations survivors in states without any reparations will have had no redress thus far, in contrast with survivors in other states and territories. This is manifestly unjust.

**'We want to be treated with respect and dignity.'**

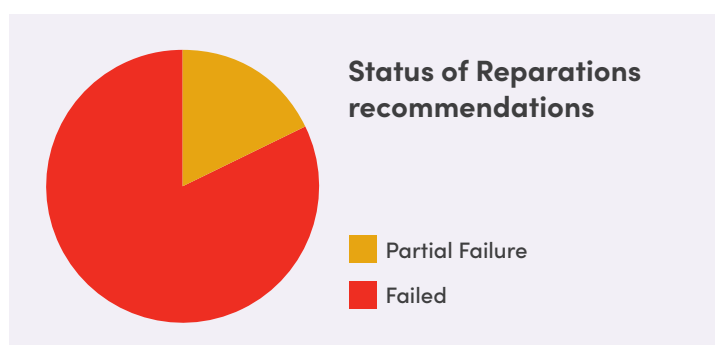
David Wragge (Wakka Wakka, Ghungalu, Juru, Bindal, and Wulgurukba),  
Stolen Generations survivor

# Unfinished business and urgent recommendations

This chapter highlights findings on seven key themes of recommendations from the *Bringing Them Home* report – reparations, rehabilitation and research, records, family tracing and reunion, acknowledgements and apologies, education and training, monitoring and accountability, guarantees against repetition – and makes recommendations on urgent action needed.

## Reparations

**Recommendations 3, 4, 14, 15, 16a–b, 17, 18, 19, 20 and 41.**



### Verdict

**Nine of the 11 recommendations have not been implemented and two are classified as a partial failure. Queensland and Western Australia have failed to introduce reparation schemes, while there is varying access and equity flaws in other states and territories.**

Reparations are a crucial part of healing for Stolen Generations survivors and their descendants, an acknowledgement of the harms caused by past government policies of forcible removals that continue to impact on them and their communities today. Schemes must recognise that forced removal has inflicted on Stolen Generations survivors and descendants a significantly greater and more complex burden of disadvantage than other Aboriginal and Torres Strait Islander people.

As well as ex-gratia payments and counselling for individuals, it is essential that redress schemes include investments in collective healing such as healing programs, reunions, and return to country.

### What the discussion paper found

The *Bringing Them Home* report recommended monetary compensation including a national compensation fund and governance board, and establishing procedural principles to be applied (recommendations 14–20).

In 2001 the Federal Government's position was that 'there is no practical or equitable way of paying cash compensation' to Stolen Generations survivors and descendants.<sup>30</sup> This failed to deliver on recommendations 14–19, which called for equitable and accessible financial compensation and the establishment of a National Compensation Fund. This also means a diminished status of recommendation 3 on components of reparations and recommendation 4 on claimants.

The states and territories that have established their own reparations packages are Tasmania (2007–2008), New South Wales (2017), South Australia (2017), Victoria (2022), Australian Capital Territory and Northern Territory (2022). Queensland and Western Australia have yet to do so.

Table 1 below sets out the reparations packages available across Australia. There are significant discrepancies between jurisdictions such that Stolen Generations survivors have uneven and unequal access to reparations, including the amount of compensation, depending on the state and territory in which forced removal took place.



Table 1: Summary of Stolen Generations Reparations Packages from Across Australia

State/Territory	Scheme	Notes
NSW	<b>The Stolen Generations Reparations Scheme</b> provided ex-gratia payments to Stolen Generations survivors at an amount of up to \$75,000. People eligible for the scheme were also eligible for the Funeral Fund that included one-off payments of \$7,000. A written apology from the NSW Government was also provided to every survivor who received a payment. The Scheme closed for new applications on 30 June 2024. Late applications closed on 29 March 2024.	Figures as at 2018 showed that there had been 1,100 applications out of more than 8,400 estimated Stolen Generations survivors in NSW. <sup>31</sup>
NT/ACT	<b>Territories Stolen Generations Redress Scheme</b> is administered by the National Indigenous Australians Agency and opened on 1 March 2022 to run until 30 June 2026. Applications close 28 February 2026. The Scheme makes available: a redress payment of up to \$75,000, healing assistance payment of \$7,000, and a personal acknowledgement.	Shine Lawyers launched a class action for compensation for Stolen Generations survivors from the Northern Territory. In April 2023 the Supreme Court of NSW approved \$50.45 million and a Settlement Distribution Scheme which covers more claimants than the Territories Redress Scheme. <sup>32</sup>
QLD	<b>No scheme.</b>	A <b>Path to Treaty process</b> was underway. However, bipartisan support was withdrawn by the Liberal National Party, which won the October 2024 state election, and the Path to Treaty legislation was repealed in late 2024.
SA	The South Australian Government's Individual Reparations Scheme allocated \$6 million for individual reparations in 2017. The Healing Foundation reported in 2021 that, of 449 applicants, 343 were deemed eligible by the Scheme's Independent Assessor, including 28 who were removed from the Northern Territory and brought to South Australia. <sup>33</sup> In total, 312 people were awarded ex gratia payments of \$20,000 in 2018, and an additional \$10,000 in 2019 'when \$3 million of unspent community-project funding was diverted'. <sup>34</sup>	
TAS	In 2007-2008, the Tasmanian Government implemented a scheme where survivors received just over \$58,000 each. Eighty-four Stolen Generations survivors received the payment and 22 eligible children received between \$4,000 and \$5,000. <sup>35</sup>	This is the only scheme to make payments available to descendants of Stolen Generations survivors.
VIC	<b>Victoria's Stolen Generations Reparations Package</b> opened on 31 March 2022 and applications will close on 31 March 2027. Under the scheme, eligible applicants receive a lump sum payment of \$100,000, a personal apology, access to healing programs, family reunions, reconnection to Country and language programs, and an opportunity to record and share their story. Additionally, a Stolen Generations Funeral Fund provides up to \$10,000 in assistance. Access to trauma-informed counselling, financial counselling, legal advice and records are facilitated under the package, according to Victorian Government information. <sup>36</sup>	The Yoorrook Justice Commission is currently operating in Victoria. It is the first formal truth-telling process into colonisation and its ongoing impacts as experienced by First Peoples in Victoria. <sup>37</sup>
WA	<b>No Scheme.</b>	Western Australia Stolen Generations Aboriginal Corporation, Bringing Them Home WA, Yokai and Kimberley Stolen Generation Aboriginal Corporation have been actively campaigning for a redress scheme. A <b>petition</b> was tabled in November 2022 in the WA Parliament calling on the State Government to initiate a redress scheme. <sup>38</sup>

Applications are open until 30 June 2027 for the National Redress Scheme established in the wake of the Royal Commission into Institutional Responses to Child Sexual Abuse. This has a monetary payment up to \$150,000.<sup>39</sup> In terms of the Commission itself:

- 14.3 percent of survivors of institutional abuse who attended a private session identified as Aboriginal and/or Torres Strait Islander, with three quarters reporting they were sexually abused in out-of-home care, largely in historical residential institutions (operating before 1990), such as mission dormitories or children's homes.
- In 2019–2020, 34 percent of applicants to the National Redress Scheme identified as Aboriginal and/or Torres Strait Islander. A significant proportion are likely to be Stolen Generations survivors.<sup>40</sup>

The *Bringing Them Home* report recommended (recommendation 20) that proposed statutory reparations should not displace common law rights for survivors to seek damages through the courts. The 2015 scorecard noted, as had many others, that this pathway forces claimants to endure a lengthy court process, possibly incurring costs that most Stolen Generations survivors could not hope to meet.

It said the alternative and preferable approach was to set up a non-judicial tribunal to make compensation payments to all Stolen Generations survivors.

More support is required for Stolen Generations survivors in prison who face delays and many challenges in accessing reparations. A recent review of the health of people in Australian prisons found that few prisons have Aboriginal Community Controlled Health Organisations involved in the delivery of health care.<sup>41</sup> Funding shortages mean that such services are often over-stretched. Australia does not have a national coordinated approach to assess and support the health needs of Aboriginal and Torres Strait Islander people in custody.<sup>42</sup>

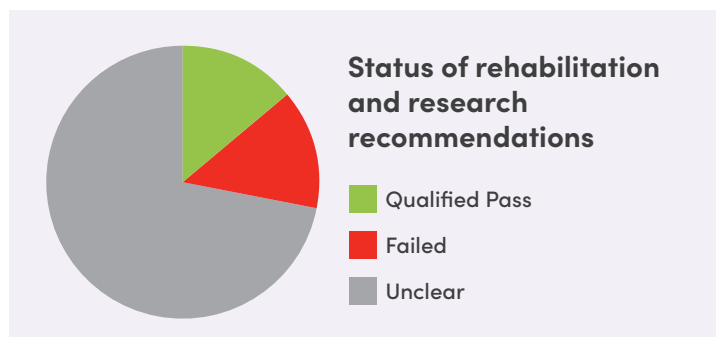
## The Healing Foundation Recommendations

1. **The Western Australian Government and Queensland Government must act urgently to deliver reparations to Stolen Generations** in line with the *Bringing Them Home* report, particularly as Stolen Generations are ageing.
2. **Other jurisdictions (particularly South Australia, Tasmania and New South Wales) should revisit existing and closed schemes to examine equity and access issues** due to significant discrepancies in some packages across states and territories.
3. **All schemes should be co-designed and evaluated with survivors, The Healing Foundation and Stolen Generation Organisations** to ensure best practice and that they capture lessons learned from past reparations packages.
4. **Governments, churches and other relevant parties should fund and work with survivors, Stolen Generations Organisations and Aboriginal and Torres Strait Islander communities to self-determine the use of institution sites**, based on the needs of the community, such as for healing purposes, memorials or museums.



## Rehabilitation and research

### Recommendations 32, 33a-c, 36 and 40a-b.



#### Verdict

**Only one of seven recommendations is classified as a qualified pass, one has failed to be implemented and the status on five of the recommendations is unclear. Governments across Australia have failed to invest strongly enough in trauma-informed, culturally safe services and supports for Stolen Generations.**

For Aboriginal and Torres Strait Islander people, healing is a holistic process, which addresses physical, emotional, social and spiritual needs and involves connections to culture, family and land. Healing works best when solutions are survivor-led, culturally strong and developed and driven at the local level.

#### What the discussion paper found

The *Bringing Them Home* recommendations focused on an Indigenous wellbeing model for providing services and programs for Stolen Generations survivors, to be delivered by Aboriginal and Torres Strait Islander community-based services. The report also recommended an Indigenous-led program of research and consultation to identify the range and extent of harms caused by forced removal.

Progress for recommendation 32 on research and consultations on the impacts of forced removal was recorded in the 2015 scorecard. So too was work on Indigenous well-being model (recommendation 33) but the scorecard noted that negotiations had stalled.

The Federal Government's response to the *Bringing Them Home* report at the time it was published was targeted at what it described as 'reunion, health and other services to those affected'.<sup>43</sup> According to the government, this included a \$63 million spend over four years on family reunion assistance, emotional and social well-being regional centres, specialist Indigenous counsellors, expanding the Indigenous parenting and wellbeing network, language and cultural centres and archive records accessibility, and money for an oral history project.<sup>44</sup>

It also responded to the report by providing funding for Link-Up services, counselling and the expansion of regional social and emotional wellbeing centres. These efforts were plagued by the insufficient targeting of resources. The discussion paper found that poor coordination and documentation were just some of the problems relating to the funding provided.

Recommendation 36 for adequate funding for all relevant Aboriginal and Torres Strait Islander organisations in each region to establish parenting and family wellbeing programs was not implemented.

There was some progress on recommendation 40 calling on churches and other NGOs which played a role in the placement of care of Stolen Generations survivors to provide counselling and support services to those affected although the 2015 scorecard also noted funding challenges for these organisations providing such programs.

## The Healing Foundation Recommendations

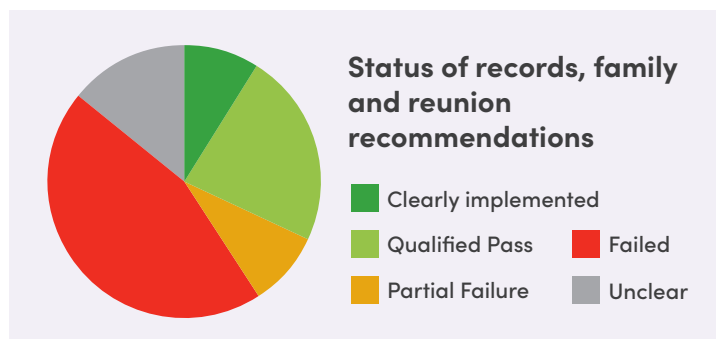
5. **Adequate and sustainable funding for Stolen Generations Organisations and The Healing Foundation is required** to ensure they can continue to provide services and support to survivors, their families and communities.
6. **Governments and other funders must invest in a skilled and sustainable workforce for Stolen Generations Organisations that can continue to provide culturally safe services and support to Stolen Generations survivors, their families and communities.** There is a critical need for a trauma-informed culturally based healing workforce, including research and social and emotional wellbeing workers, that are recognised and supported by training and resources. Funding and workforce development must also recognise the weight of vicarious trauma and the value of specialist knowledge, and reunion and healing work being done.
7. **Culturally safe and survivor led Elder care services are critical for Stolen Generations survivors and descendants.** All services and programs provided to Stolen Generations survivors must emphasise local Indigenous healing and wellbeing perspectives that are grounded in intergenerational trauma-informed healing.
8. **Governments and other funders must support data and research efforts to meet the needs of Stolen Generations survivors and descendants,** including enabling The Healing Foundation to research the effects of forcible removal and the ongoing impact on survivors and descendants, to better understand their ongoing needs. Governments that collect data related to Stolen Generations survivors must work in partnership to coordinate the collection and sharing of such data to support research efforts. Funding and support are also required for research driven by Stolen Generations Organisations to support the important work they do and the histories they hold.

***'If it's not trauma-informed, it's going to result in people having a negative experience.'***

Professor Steve Larkin (Kungarakana), The Healing Foundation Chair

## Records, family tracing and reunion

Recommendations 1, 11, 13, 21, 22a-b, 23-25, 27-28, 29a-b, 30a-b, 31, 38a-c, 39.



### Verdict

**Failure to implement nearly half of the recommendations, including to establish the Records Taskforce and fund Indigenous traineeships and scholarships for archivists, genealogists, historical researchers and counsellors and regional Indigenous language, cultural and history centres.**

***'We got separated from our family, got separated from our communities. We're still trying to find out who we really are.'***

Uncle Michael 'Widdy' Welsh, Stolen Generations survivor

Access to individual and family Stolen Generations records is essential to locating and reunifying families and should be nationally consistent, trauma-aware and healing-informed. The Healing Foundation and Stolen Generations Organisations have an important and established role in advocating for access and return of records to Stolen Generations survivors and descendants but are not equipped to navigate the complex legislative and bureaucratic reforms needed to realise the action especially around the compulsion of return of privately held records, including from churches.

### What the discussion paper found

The *Bringing them Home* report made a series of recommendations to promote access to records, family tracing and reunion services, including for those Stolen Generations survivors and descendants living overseas (recommendations 30-31). This included:

- A prohibition on the destruction of records and adequate funding to preserve records (recommendations 21-22).
- Funding for Indigenous traineeships and scholarships for archivists, genealogists, historical researchers and counsellors, and Indigenous repositories to hold historical and cultural information relating to communities and their members (recommendations 28-29).
- Joint records taskforces including interstate memoranda of understanding (MOUs), minimum access standards and Freedom of Information (FOI) accessibility for the Northern Territory, and the establishment of Indigenous Family Information Services (recommendations 23-27, 39).
- Making the private collections of church and other NGOs available (recommendation 38).

Most jurisdictions assist Stolen Generations survivors with family history services and/or access to historical records. The Federal Government contends that the requirement (recommendation 23) to establish a Joint Records Taskforce has effectively been implemented, because such taskforces have been established in Victoria, Tasmania, New South Wales, Western Australia and Queensland.<sup>45</sup>

The discussion paper disagrees, noting the 2003 Ministerial Council for Aboriginal and Torres Strait Islander Affairs (MCATSIA) report called for 'a national policy to provide unhindered access to records for Indigenous people' and a partnership approach between federal, state and territory governments.

There has been progress on enabling interstate enquiries on records (recommendation 24) and on minimum access standards to records (recommendation 25) but these have not been applied to churches and NGOs (recommendation 39). Some NGOs and churches have made some records available 'whilst others have refused to open their files'.<sup>46</sup>

In 2018, The Healing Foundation held a Knowledge Circle around improving access to records for Stolen Generations survivors and organisations. Out of this came the recommendation that The Healing Foundation establish a Historical Records Taskforce with four priorities:

1. Improve access to Birth, Death, and Marriage records.
2. Design and deliver trauma-informed training for record holders and decision makers.
3. Identify how to access privately held collections.
4. Support state and territory-based records forums.<sup>47</sup>

The Taskforce was established in 2018 to 'promote healing for Stolen Generations survivors and descendants by collaborating to improve access to and management and preservation of Stolen Generations records'.<sup>48</sup> A set of Final Principles guides this work that include: national consistency; permissive access; trauma-aware and healing-informed access and release; and acknowledgement of intergenerational trauma.

The recommendation (27) that federal, state and territory governments establish an Indigenous Family Information Service as a 'first stop shop', staffed by Indigenous people, was considered generally addressed by the Federal Government but the 2015 scorecard gave it a fail as they were not instituted.

State and territory governments have reportedly established 'Family History or Information Services, records taskforces and oral history projects',<sup>49</sup> earning (recommendation 1) a qualified pass. Yet more can be done to consult with Stolen Generations survivors on what they would like done with testimonies and statements of those who have come forward to participate in reparations.

More too is required to determine access to Australian citizenship for other Stolen Generations survivors and descendants who were taken or placed overseas and are caught up in visa cancellation and unable to return (recommendations 31a-b). The Federal Government claims existing laws are sufficient, however the discussion paper reports that they failed to provide for Stolen Generations survivor Russell Moore, who died before his transfer back to Australia from the US was settled.<sup>50</sup>

#### **Other fails include:**

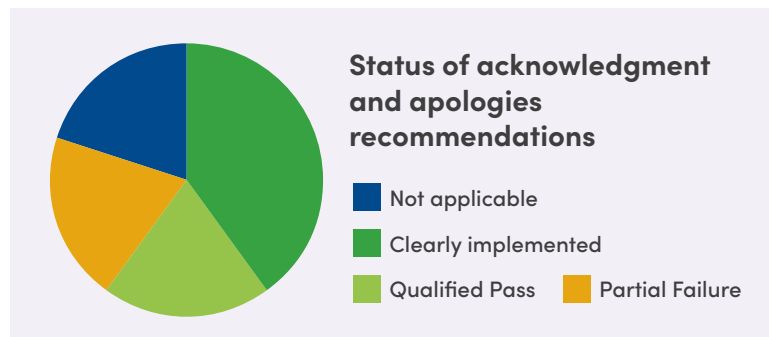
- No traineeships or scholarships for Indigenous archivists, genealogists, or historical researchers appear to have been established (recommendation 28).
- The call for churches and NGOs to transfer historical and cultural information relating to communities has not been met, because regional Indigenous language, cultural and history centres, recommended to have custody, have not been funded, although some states have provided access.
- Family tracing and reunion services have not been established in all regional centres (recommendation 30). Where they do exist, Link-Up organisations perform this role.
- Private records, historical and cultural information held by churches and NGOs have not been transferred to appropriate organisations, although some states have provided access (recommendation 38a-c).

### The Healing Foundation recommendations:

9. **Federal, state and territory governments should establish traineeships and scholarships for Indigenous archivists, genealogists, and historical researchers.** These skills and capacities are particularly critical in and for Stolen Generations Organisations and other relevant community owned record keeping places.
10. **Government commitments to Indigenous Data Sovereignty, and the principles for nationally consistent approaches to accessing Stolen Generations** records held by government record holders and collection agencies (including churches), must be implemented through legislative and institutional policy.
11. **The Federal Government should address the needs of Stolen Generations survivors living outside Australia, including citizenship,** working through the offices of the Ambassador for First Nations People and Minister for Indigenous Australians and alongside The Healing Foundation and Stolen Generations Organisations.

# Acknowledgement and apologies

## Recommendations 5-7



### Verdict

**Partial implementation.** Federal, state and territory parliaments have delivered apologies, as have some police forces and non-government organisations but there are key failures to date.

The first step in healing trauma is often the acknowledgment of truth and the delivery of an apology. The release of the *Bringing Them Home* report was followed by apologies to the Stolen Generations by federal, state and territory parliaments, judges, churches, civic associations, trade unions and ethnic groups. However not all who contributed to harm have yet acknowledged and apologised.

### What the discussion paper found

The *Bringing Them Home* report called for commemoration of the Stolen Generations and acknowledgement and apologies by parliaments, police, churches and other non-government organisations that played a role in the administration of forced removal.

#### Commemoration

National Sorry Day was held for the first time on 26 May 1998 and is now an annual commemoration (recommendation 7a). Recommendation 7b involved the Aboriginal and Torres Strait Islander Commission (ATSIC) seeking further proposals for commemorating the individual, families and communities impacted by forced removal. ATSIC was abolished in 2005. The Healing Foundation and Stolen Generations Organisations are ideally placed to support events or commemorations and promote them as per the current practice.

#### Parliaments

All federal, state and territory parliaments have now apologised to the Stolen Generations for policies of forced removal of Aboriginal and Torres Strait Islander children (recommendation 5a).<sup>51</sup> States and territories made their apologies between 1997 and 2001 with the Federal Parliament moving a Motion of Apology to Australia's Indigenous Peoples on 13 February 2008.<sup>52</sup>

#### Police forces

Across Australia, the discussion paper found evidence only of four jurisdictional police forces implementing the recommendation to apologise (recommendation 5b), and two of those occurred in 2024.

- Police forces that have apologised:
  - New South Wales Police Commissioner Peter Ryan delivered an apology on behalf of the NSW police service and CEOs of state justice agencies on 22 May 1998.<sup>53</sup>
  - Western Australian Police Commissioner Chris Dawson on 12 July 2018.<sup>54</sup>
  - Victoria Police Chief Commissioner Shane Patton on 24 May 2024.<sup>55</sup>
  - Northern Territory Police Commissioner Michael Murphy at the Garma Festival on 3 August 2024.<sup>56</sup>
- Police forces that have not yet apologised: Australian Federal Police, ACT Police, Queensland Police Service, Tasmania Police, South Australia Police.

### Churches and other non-government organisations

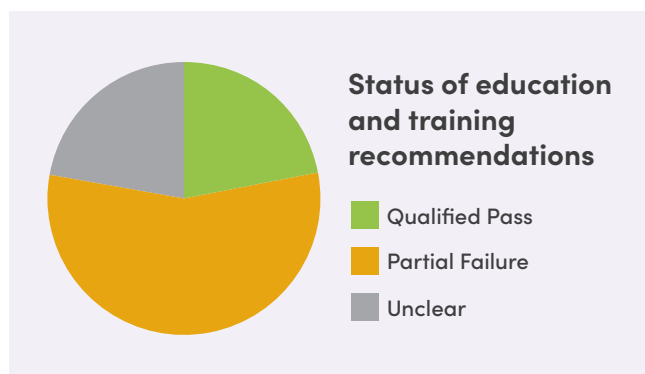
The Social Justice Report 1998 listed a range of faith groups that had apologised but a systematic audit has never been carried out (recommendation 6).<sup>57</sup> The 2003 Ministerial Council for Aboriginal and Torres Strait Islander Affairs review found that the Uniting and Catholic Churches had apologised in several states. It also stated that 'Churches and non-government organisations are less universal in their acknowledgement of their role in the administration of the forcible removal of children and only some have issued statements of apology or regret'.<sup>58</sup>

### The Healing Foundation Recommendations

12. **The Australian Federal Police, ACT Police, Queensland Police Service, Tasmania Police and South Australia Police should act urgently to deliver apologies to Stolen Generations** for harm caused to them, as have police in other state and territory jurisdictions.
13. **Churches and other non-government organisations that have not yet delivered apologies for their roles in harm done to the Stolen Generations should do so urgently, and act to ensure safe and easy access to their records.** There may be a role for Aboriginal and Torres Strait Islander churches in this process, through the Australian Indigenous Ministries and the National Aboriginal and Torres Strait Islander Ecumenical Commission of the National Council of Churches in Australia.
14. **Governments should continue to honour the Stolen Generations by supporting and funding National Apology and Sorry Day events and memorials,** to be conducted under the custodianship of The Healing Foundation and Stolen Generations Organisations.
15. **All levels of government should consider grants and funding opportunities to support Stolen Generations memorials,** in collaboration with local Stolen Generations survivors, communities and organisations.

## Education and training

### Recommendation 8a-b, 9a-b, 12a-b, 34a-b and 35.



#### Verdict

**Most recommendations have not been implemented. Not all states and territories have mandated the inclusion of the history of forcible removals and ongoing impacts in primary and secondary school curricula. Cultural safety training and education requirements for professionals, undergraduates and trainees has also not been mandated in vocational education and university curricula.**

The experiences and trauma of the Stolen Generations provide context and meaning for the struggles and inequities that many Aboriginal and Torres Strait Islander peoples in Australia have faced since colonisation. Yet, as we saw during and after the Voice referendum campaign in 2023, many Australians still do not know or understand this important part of the nation's history. The Healing Foundation has developed a Stolen Generations Resource Kit for Teachers and Students that communicates the full history of Australia and Aboriginal and Torres Strait Islander peoples in a safe and age-appropriate way. Many schools have taken these stories into their curricula, but more is required.

#### What the discussion paper found

The National Sorry Day Committee successfully advocated for the meaningful inclusion of Stolen Generations content in national curriculum in 2011 (recommendation 8a).<sup>59</sup> The Healing Foundation launched a teaching resource in 2019 and produced an expanded version in 2023.<sup>60</sup> Lesson plans exist for Years K-12 along with an educator guide.

#### Failures to implement:

- Recommendation 8b which required that the Australian Institute of Aboriginal and Torres Strait Islander Studies (AIATSIS) be funded by the Commonwealth to develop these school modules. AIATSIS have other learning modules.
- Recommendation 9a critically required that all professionals who work with Indigenous children, families and communities receive in-service training about the history and effects of forced removal. This recommendation has clearly not been systematically implemented.
- Recommendation 9b that all undergraduates and trainees in relevant professions receive such knowledge as part of core curriculum has not been systematically implemented, with progress uneven across the university sector.<sup>61</sup> For example, there is no national requirement for legal professionals to have this training prior to admission.
- Recommendations 12a and 12b that the Commonwealth expands the funding of Indigenous language, culture and history centres to ensure national coverage at regional level and funds community-led regional language, culture and history centres to record and maintain local languages, particularly to Stolen Generations survivors and their descendants.



The requirement on education and training has been partially met for health professionals and students with national health legislation that mandates education on cultural safety under the [Aboriginal and Torres Strait Islander Health Strategy](#).<sup>62</sup> This does not automatically ensure that universities implement this education requirement but it does provide another layer of accountability.

The requirement that all state and territory governments institute Indigenous mental health worker training through Indigenous-run programs to ensure cultural and social appropriateness has also received a qualified pass. The discussion paper's desktop review found that there are organisations delivering such services (see [Indigenous Psych Services](#)) but it is not clear how this training is implemented in states and territories across Australia.

A \$9 million expansion of funding for language, culture and history centres (recommendation 12) was provided to ATSIC over four years after the *Bringing Them Home* report was published. No new funding has since been provided. The Federal Government contends the recommendation has been implemented but regional commitments have never materialised.

Globally, the countries most impacted by language loss are Australia, Canada and the United States, all countries impacted by colonisation.<sup>63</sup> Whereas hundreds of languages were spoken in Australia prior to colonisation, only 12 are now learned from birth as the main language.<sup>64</sup> AIATSIS recently released a *Strengthening Australian languages: between policy and practice* report.<sup>65</sup> It stated that:

*In 2009, Australia released a national Indigenous languages policy statement. This was not supported by green papers or white papers, but rather consisted of a media release from the responsible ministers announcing a meagre \$9.3 million in funding to 'protect' Indigenous languages, along with some high-level objectives and actions. The policy statement has not been updated since then and it is no longer publicly available.*

The AIATSIS report highlighted the need for different funding structures. The discussion paper's desktop search found that the Office for the Arts hosts an Indigenous Languages and Arts Program Language Centres list.<sup>66</sup>

## The Healing Foundation Recommendations

16. **Australian universities, vocational institutions and schools must work closely with Aboriginal and Torres Strait Islander stakeholders to determine how core curricula can effectively include the history and effects of forcible removal.** This would be done through implementation of the Aboriginal and Torres Strait Islander Histories and Cultures cross-curriculum priority, the Universities Australia Indigenous Strategy 2022-2025 and vocational curriculum. Course and training content can be developed with advice from The Healing Foundation.
17. **Governments must mandate the inclusion of working with survivors training for all professionals who work with Aboriginal and Torres Strait Islander children, families and communities.** Key workforces and professionals (i.e. health, aged care, social services, child protection, justice and others) must undertake in-service training about the history and effects of forcible removal. Funding must be made available to support the development of survivor led training.

**'Don't show me pity. Listen to me. Understand where I come from.'**

Barbara Sims-Keeley (Bidjigal and Wadi Wadi), Stolen Generations survivor

# Monitoring and accountability

## Recommendations 2a-d



### Verdict

**Fail: No national monitoring mechanism and annual audit process has ever been put in place.**

Federal, state and territory governments were tasked by the *Bringing Them Home* report with monitoring and accountability for implementation of the recommendations. This has been ignored. In the lead up to the 30th anniversary of the report in 2027, governments, non-government organisations and other agencies must finally commit to implementation of its recommendations, bear responsibility for gross human rights violations, and be held accountable. A comprehensive National Healing Package that supports the Stolen Generations sector and implements evidence-based healing strategies that meet the needs of survivors, their families and communities is urgent. As custodians of the report and most of its recommendations, the Healing Foundation and Stolen Generations Organisations are best placed to lead monitoring and accountability efforts.

### What the discussion paper found

The *Bringing Them Home* report placed great emphasis on a mechanism for monitoring implementation of its 54 recommendations, in response to urging from ATSIC to do so.<sup>67</sup>

Recommendation 2 comprised the monitoring mechanism and involved the Council of Australian Governments (COAG) establishing a working party and an annual audit report process to account for implementation. The *Bringing Them Home* report recommended the establishment of a National Inquiry audit unit within the then Human Rights and Equal Opportunities Commission (now Australian Human Rights Commission), which would report annually to COAG.

Recommendation 2 also set out that ATSIC should fund annual submissions to the audit unit on the progress of implementation from peak Indigenous organisations including Secretariat National Aboriginal and Islander Child Care (SNAICC), the National Aboriginal Community Controlled Health Organisation (NACCHO) and National Aboriginal and Islander Legal Services Secretariat (NAILSS). The final part of this recommendation sought for federal, state and territory governments to provide 'detailed and complete' information to the audit unit annually on implementation progress.

The Ministerial Council of Aboriginal and Torres Strait Islander Affairs (MCATSIA) took on the task of inter-governmental coordination after the report was handed down.<sup>68</sup> There have been a series of reviews at various points on progress against the recommendations, including:

- [Social Justice Report 1998](#), Human Rights and Equal Opportunity Commission (1999)
- *HEALING: A legacy of generations* – The Report of the Inquiry into the Federal Government's Implementation of the Recommendations Made by the Human Rights and Equal Opportunity Commission in Bringing Them Home, Commonwealth Senate Standing Committee on Legal and Constitutional Affairs Committee (2001)
- Ministerial Council of Aboriginal and Torres Strait Islander Affairs evaluation (2003)
- Evaluation of Bringing Them Home and Indigenous Mental Health Programs. Canberra, Report prepared by Urbis Keys Young for the Office for Aboriginal and Torres Strait Islander Health, Department of Health and Ageing (2007)
- *Bringing Them Home: scorecard report 2015*, commissioned by the National Sorry Day Committee, Canberra
- *Bringing Them Home 20 years on: an action plan for healing*, The Healing Foundation (2017)
- *'Make Healing Happen, It's time to act'*, The Healing Foundation (2021).

Some jurisdictions have conducted their own Inquiries and evaluations on progress against the recommendations. New South Wales did so in 2016.<sup>69</sup> It came up with 35 recommendations, some of which required it to lobby the Federal Government for implementation. As part of the truth-telling process in Victoria, the Yoorrook Justice Commission has examined historical legacies and contemporary realities in the child protection and criminal justice system.<sup>70</sup>

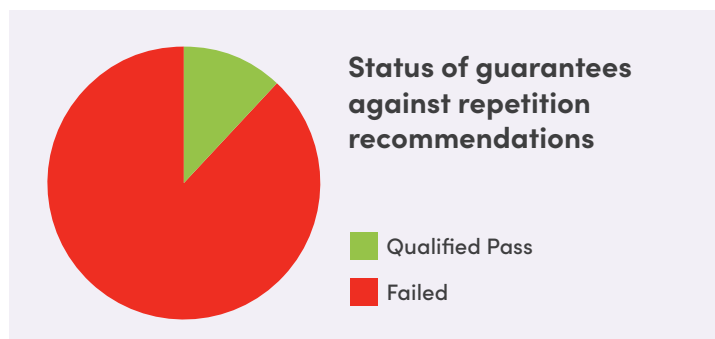
Overall, the discussion paper found that federal, state and territory government responses to the *Bringing Them Home* report have been woefully inadequate. There has been no 'whole-of-government policy response with immediate targets, long-term objectives and a continuing commitment' and 'no systematic government response to the needs and rights of Stolen Generations survivors and their descendants'.

### The Healing Foundation recommendations

18. **Federal, state and territory governments must fund and lead a National Healing Package that involves a systematic pathway of reforms for the recommendations of this report including monitoring and accountability efforts.** This should be done in partnership with The Healing Foundation and Stolen Generations Organisations.
19. **The Closing the Gap National Agreement, aged care frameworks and other relevant policies must include policies for Stolen Generations survivors and descendants.** These are appropriate avenues for pressing accountability on relevant recommendations and on the 'gap within a gap' identified for Stolen Generations survivors and their descendants.

## Guarantees against repetition

### Recommendations 37, 42–50, 53 and 54



#### Verdict

**15 of the recommendations have not been implemented, while two have been classified as a qualified pass. Aboriginal and Torres Strait Islander children are still at disproportionately higher risk of being removed by child protection authorities and to be over-incarcerated.**

The *Bringing Them Home* report was already alarmed about future trends for Aboriginal and Torres Strait Islander children in child protection and over-incarceration rates. In 2023, 63 percent of young people aged 10–17 in detention were Aboriginal and Torres Strait Islander<sup>71</sup> and 43.7 percent of Aboriginal and Torres Strait Islander children aged 0–17 years old were in out-of-home care.<sup>72</sup>

#### What the discussion paper found

The *Bringing Them Home* report examined contemporary removals of Aboriginal and Torres Strait Islander children from families and communities. It focused on juvenile justice, child welfare, adoption and institutionalisation, arguing that Aboriginal and Torres Strait Islander children are at greater risk of removal and that laws, policies and practices need to change. The report found that state and territory government rhetoric around self-management ‘has not been matched by practical measures’.<sup>73</sup>

The report gave an analysis of the Aboriginal Child Placement Principle (ACPP) in each state and territory. It found that:

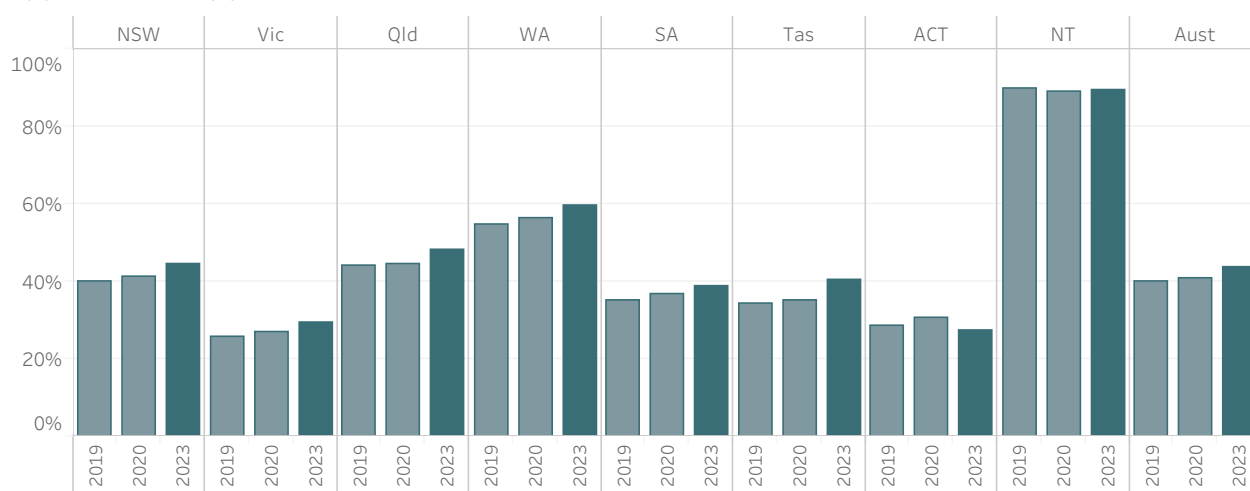
- Legislative recognition was incomplete in Tasmania, Western Australia, the Australian Capital Territory (ACT) and Queensland.
- Funding and consultation with Aboriginal and Islander Child Care Agencies was inadequate and that ‘inappropriate evaluation of prospective foster carers’ had contributed to a lack of acceptance of Indigenous carers for Indigenous children.<sup>74</sup> Indigenous agencies were better placed to make these assessments. Adoption of Indigenous children was reduced to almost zero in jurisdictions where the ACPP was supported in legislation and agencies required to work with AICCA when placing children. If the ACPP was incorporated only in policy versus legislation, the *Bringing Them Home* report found that adoption of Indigenous children continues.<sup>75</sup>

More broadly the *Bringing Them Home* report found that ‘welfare departments in all jurisdictions continue to fail Indigenous children’.<sup>76</sup>

In terms of juvenile justice, the report was critical of the continued use of police custody for children and young people. It examined diversion, sentencing, detention centres and deaths in custody, expressing frustration that these issues ‘had been identified and demonstrated time and time again’,<sup>77</sup> and found underlying causes needed to be addressed. It recommended a social justice package and pursuit of the recommendations of the Royal Commission into Aboriginal Deaths in Custody that identified the underlying causes of disadvantage (recommendation 42).

No Social Justice Package has ever been implemented and the rates of removal into out-of-home care for Indigenous children have increased. As cited in the *Bringing Them Home* report, Aboriginal and Torres Strait Islander children represented 20 percent of those in care in 1993. Thirty years later, as at 2023, they made up 43.7 percent of children (0–17 years) in out-of-home care, despite representing just six percent of the total population of children.<sup>78</sup> As shown in Figure 2 below, the highest percentage of Aboriginal and Torres Strait Islander children in out-of-home care was in the Northern Territory (89 percent), followed by WA (59.6 percent) and Queensland (48 percent).

## By jurisdiction, by year



Source: Productivity Commission, Closing the Gap dashboard, table SE12b.1

Figure 2: Proportion of children in out-of-home care who were Aboriginal and Torres Strait Islander

In 2022–2023, the rate of Aboriginal and Torres Strait Islander young people in detention on an average day was 29.8 per 10,000 young people.

It is not clear from available statistics how many of the Aboriginal and Torres Strait Islander people who made up 33 percent of the Australian prison population in 2023 are survivors or descendants of the Stolen Generations.

Tragically, there have been an estimated 545 Indigenous deaths in custody between July 1991 and June 2023.<sup>79</sup> In 2022–23 there were 21 Aboriginal and Torres Strait Islander deaths in prison custody, the highest number since 1979–80. A further 10 Aboriginal and Torres Strait Islander people lost their lives in police custody in 2022–2023, the highest number recorded since 2004–05. The Royal Commission into Aboriginal Deaths in Custody investigated 99 individual cases of those who had died in police and prison custody, finding that state intervention was a familiar pattern, including forcible removal from families and communities.<sup>80</sup> The lack of available data prevents a complete picture of the experience of Stolen Generations survivors and their descendants in the criminal justice system.

The *Bringing Them Home* report recommended a new framework for the well-being of Indigenous children and young people that centred self-determination and the transfer of policing, care and protection, and juvenile justice powers to Indigenous communities (recommendation 43).

The report called on the Australian Government to implement the international Genocide Convention with full domestic effect (recommendation 10). Previous Federal Government opposition to this changed in 2002 with the establishment of the International Criminal Court. The *International Criminal Court (Consequential Amendments) Act 2002* (Cth) gave the Convention domestic application but was not applicable retrospectively. Moreover, the Attorney General has sweeping powers to quash a prosecution under the *Criminal Code Act 1995* (Cth).<sup>81</sup>

Recommendation 37 that required COAG to ensure adequate funding to Indigenous health and medical services and family well-being programs to establish preventative mental health programs in prisons and detention centres has not been implemented.

The *Bringing Them Home* report clearly states the importance of addressing underlying causes to ensure the harm done to the Stolen Generations is never repeated. Campaigns such as [Family Matters](#) and [Change the Record](#), and other policy advocacy and reform work being led by Aboriginal and Torres Strait Islander community controlled organisations such as SNAICC and National Aboriginal and Torres Strait Islander Legal Services (NATSILS), continue to urge action.







# Appendix 1












## List of *Bringing Them Home* Report Recommendations

The table below includes the Bringing Them Home recommendations and the status of implementation based on the desktop review and analysis from the discussion paper.










*\*Please note this does not include comprehensive stakeholder analysis.*

 Clearly implemented	 Qualified pass	 Partial failure	 Failed	 Unclear	 Not applicable
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BTH report recommendation number	BTH report theme	BTH report recommendation
1 	Recording testimonies	That the Council of Australian Governments ensure the adequate funding of appropriate Indigenous agencies to record, preserve and administer access to the testimonies of Indigenous people affected by the forcible removal policies who wish to provide their histories in audio, audio-visual or written form.
2a 	Procedure for implementation	That the Council of Australian Governments establish a working party to develop a process for the implementation of the Inquiry's recommendations and to receive and respond to annual audit reports on the progress of implementation.
2b 		That the Commonwealth fund the establishment of a National Inquiry audit unit in the Human Rights and Equal Opportunity Commission to monitor the implementation of the Inquiry's recommendations and report annually to the Council of Australian Governments on the progress of implementation of the recommendations.
2c 		That ATSIC fund the following peak Indigenous organisations to research, prepare and provide an annual submission to the National Inquiry audit unit evaluating the progress of implementation of the Inquiry's recommendations: Secretariat of National Aboriginal and Islander Child Care (SNAICC), Stolen Generations National Secretariat, National Aboriginal Community Controlled Health Organisation (NACCHO) and National Aboriginal and Islander Legal Services Secretariat (NAILSS).
2d 		That Commonwealth, State and Territory Governments undertake to provide fully detailed and complete information to the National Inquiry audit unit annually on request concerning progress on implementation of the Inquiry's recommendations.
3 	Components of reparations	That, for the purposes of responding to the effects of forcible removals, 'compensation' be widely defined to mean 'reparation'; that reparation be made in recognition of the history of gross violations of human rights; and that the van Boven principles guide the reparation measures. Reparation should consist of: 1. acknowledgment and apology, 2. guarantees against repetition, 3. measures of restitution, 4. measures of rehabilitation, and 5. monetary compensation.







BTH report recommendation number	BTH report theme	BTH report recommendation
4 	Claimants	That reparation be made to all who suffered because of forcible removal policies including: 1. individuals who were forcibly removed as children, 2. family members who suffered as a result of their removal, 3. communities which, as a result of the forcible removal of children, suffered cultural and community disintegration, and 4. descendants of those forcibly removed who, as a result, have been deprived of community ties, culture and language, and links with and entitlements to their traditional land.
5a 	Acknowledgment and apology – Parliaments and police forces	That all Australian Parliaments: 1. officially acknowledge the responsibility of their predecessors for the laws, policies and practices of forcible removal 2. negotiate with the Aboriginal and Torres Strait Islander Commission a form of words for official apologies to Indigenous individuals, families and communities and extend those apologies with wide and culturally appropriate publicity and 3. make appropriate reparation as detailed in following recommendations.
5b 		That State and Territory police forces, having played a prominent role in the implementation of the laws and policies of forcible removal, acknowledge that role and, in consultation with the Aboriginal and Torres Strait Islander Commission, make such formal apologies and participate in such commemorations as are determined.
6 	Acknowledgment and apology – Churches and others	That churches and other non-government agencies which played a role in the administration of the laws and policies under which Indigenous children were forcibly removed acknowledge that role and in consultation with the Aboriginal and Torres Strait Islander Commission make such formal apologies and participate in such commemorations as may be determined.
7a 	Commemoration	That the Aboriginal and Torres Strait Islander Commission, in consultation with the Council for Aboriginal Reconciliation, arrange for a national 'Sorry Day' to be celebrated each year to commemorate the history of forcible removals and its effects.
7b 		That the Aboriginal and Torres Strait Islander Commission, in consultation with the Council for Aboriginal Reconciliation, seek proposals for further commemorating the individuals, families and communities affected by forcible removal at the local and regional levels. That proposals be implemented when a widespread consensus within the Indigenous community has been reached.
8a 	School education	That State and Territory Governments ensure that primary and secondary school curricula include substantial compulsory modules on the history and continuing effects of forcible removal.
8b 		That the Australian Institute of Aboriginal and Torres Strait Islander Studies be funded by the Commonwealth to develop these modules.
9a 	Professional Training	That all professionals who work with Indigenous children, families and communities receive in-service training about the history and effects of forcible removal.
9b 		That all under-graduates and trainees in relevant professions receive, as part of their core curriculum, education about the history and effects of forcible removal.
10 	Genocide Convention	That the Commonwealth legislate to implement the Genocide Convention with full domestic effect.
























BTH report recommendation number	BTH report theme	BTH report recommendation
11 	Assistance to return to country	That the Council of Australian Governments ensure that appropriate Indigenous organisations are adequately funded to employ family reunion workers to travel with clients to their country, to provide Indigenous community education on the history and effects of forcible removal and to develop community genealogies to establish membership of people affected by forcible removal.
12a 	Language, culture and history centres	That the Commonwealth expand the funding of Indigenous language, culture and history centres to ensure national coverage at regional level.
12b 		That where the Indigenous community so determines, the regional language, culture and history centre be funded to record and maintain local Indigenous languages and to teach those languages, especially to people whose forcible removal deprived them of opportunities to learn and maintain their language and to their descendants.
13 	Indigenous identification	That Indigenous organisations, such as Link-Ups and Aboriginal and Islander Child Care Agencies, which assist those forcibly removed by undertaking family history research be recognised as Indigenous communities for the purposes of certifying descent from the Indigenous peoples of Australia and acceptance as Indigenous by the Indigenous community.
14 	Heads of damage	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.
15 	National Compensation Fund	That the Council of Australian Governments establish a joint National Compensation Fund.
16a 	National Compensation Fund Board	That the Council of Australian Governments establish a Board to administer the National Compensation Fund.
16b 		That the Board be constituted by both Indigenous and non-Indigenous people appointed in consultation with Indigenous organisations in each State and Territory having particular responsibilities to people forcibly removed in childhood and their families. That the majority of members be Indigenous people and that the Board be chaired by an Indigenous person.
17 	Procedural principles	That the following procedural principles be applied in the operations of the monetary compensation mechanism. 1. Widest possible publicity. 2. Free legal advice and representation for claimants. 3. No limitation period. 4. Independent decision-making which should include the participation of Indigenous decision-makers. 5. Minimum formality. 6. Not bound by the rules of evidence. 7. Cultural appropriateness (including language).
















BTH report recommendation number	BTH report theme	BTH report recommendation
18 	Minimum lump sum	That an Indigenous person who was removed from his or her family during childhood by compulsion, duress or undue influence be entitled to a minimum lump sum payment from the National Compensation Fund in recognition of the fact of removal. That it be a defence to a claim for the responsible government to establish that the removal was in the best interests of the child.
19 	Proof of particular harm	That upon proof on the balance of probabilities any person suffering particular harm and/or loss resulting from forcible removal be entitled to monetary compensation from the National Compensation Fund assessed by reference to the general civil standards.
20 	Civil claims	That the proposed statutory monetary compensation mechanism not displace claimants' common law rights to seek damages through the courts. A claimant successful in one forum should not be entitled to proceed in the other.
21 	Destruction of records prohibited	That no records relating to Indigenous individuals, families or communities or to any children, Indigenous or otherwise, removed from their families for any reason, whether held by government or non-government agencies, be destroyed.
22a 	Record preservation	That all government record agencies be funded as a matter of urgency by the relevant government to preserve and index records relating to Indigenous individuals, families and/or communities and records relating to all children, Indigenous or otherwise, removed from their families for any reason.
22b 		That indexes and other finding aids be developed and managed in a way that protects the privacy of individuals and, in particular, prevents the compilation of dossiers.
23 	Joint records taskforces	That the Commonwealth and each State and Territory Government establish and fund a Records Taskforce constituted by representatives from government and church and other non-government record agencies and Indigenous user services to, <ol style="list-style-type: none"> <li>1. develop common access guidelines to Indigenous personal, family and community records as appropriate to the jurisdiction and in accordance with established privacy principles,</li> <li>2. advise the government whether any church or other non-government record-holding agency should be assisted to preserve and index its records and administer access,</li> <li>3. advise government on memoranda of understanding for dealing with inter-State enquiries and for the inter-State transfer of files and other information,</li> <li>4. advise government and churches generally on policy relating to access to and uses of Indigenous personal, family and community information, and</li> <li>5. advise government on the need to introduce or amend legislation to put these policies and practices into place.</li> </ol>
24 	Inter-State enquiries	That each government, as advised by its Records Taskforce, enter into memoranda of understanding with other governments for dealing with inter-State enquiries and for the inter-State transfer of records and other information.







BTH report recommendation number	BTH report theme	BTH report recommendation
<b>25</b> 	Minimum access standards	<p>That all common access guidelines incorporate the following standards.</p> <ol style="list-style-type: none"> <li>1. The right of every person, upon proof of identity only, to view all information relating to himself or herself and to receive a full copy of the same.</li> <li>2. No application fee, copying fee or other charge of any kind to be imposed.</li> <li>3. A maximum application processing period to be agreed by the Records Taskforce and any failure to comply to be amenable to review and appeal.</li> <li>4. A person denied the right of access or having any other grievance concerning his or her information to be entitled to seek a review and, if still dissatisfied, to appeal the decision or other matter free of charge.</li> <li>5. The right of every person to receive advice, both orally and in writing, at the time of application about Indigenous support and assistance services available in his or her State or Territory of residence.</li> <li>6. The form of advice provided to applicants to be drafted in consultation with local Indigenous family tracing and reunion services and to contain information about the nature and form of the information to be disclosed and the possibility of distress.</li> <li>7. The right of every person to receive all personal identifying information about himself or herself including information which is necessary to establish the identity of family members (for example, parent's identifying details such as name, community of origin, date of birth).</li> <li>8. The right of every person who is the subject of a record, subject to the exception above, to determine to whom and to what extent that information is divulged to a third person.</li> </ol>
<b>26</b> 	FoI in the NT	That the Northern Territory Government introduce Freedom of Information legislation on the Commonwealth model.
<b>27</b> 	Indigenous Family Information Service	That the Commonwealth and each State and Territory Government, in consultation with relevant Indigenous services and its Records Taskforce, establish an Indigenous Family Information Service to operate as a 'first stop shop' for people seeking information about and referral to records held by the government and by churches. That these Services be staffed by Indigenous people. That to support these Services each government and church record agency nominate a designated contact officer.
<b>28</b> 	Training	That the Commonwealth and each State and Territory Government institute traineeships and scholarships for the training of Indigenous archivists, genealogists, historical researchers and counsellors.
<b>29a</b> 	Indigenous repositories	That, on the request of an Indigenous community, the relevant Records Taskforce sponsor negotiations between government, church and/or other non-government agencies and the relevant Indigenous language, culture and history centre for the transfer of historical and cultural information relating to that community and its members.
<b>29b</b> 		That the Council of Australian Governments ensure that Indigenous language, culture and history centres have the capacity to serve as repositories of personal information that the individuals concerned have chosen to place in their care and which is protected in accordance with established privacy principles.

BTH report recommendation number	BTH report theme	BTH report recommendation
30a 	Establishment of family tracing and reunion services	That the Council of Australian Governments ensure that Indigenous community-based family tracing and reunion services are funded in all regional centres with a significant Indigenous population and that existing Indigenous community-based services, for example health services, in smaller centres are funded to offer family tracing and reunion assistance and referral.
30b 		<p>That the regional services be adequately funded to perform the following functions.</p> <ol style="list-style-type: none"> <li>1. Family history research.</li> <li>2. Family tracing.</li> <li>3. Support and counselling for clients viewing their personal records.</li> <li>4. Support and counselling for clients, family members and community members in the reunion process including travel with clients.</li> <li>5. Establishment and management of a referral network of professional counsellors, psychologists, psychiatrists and others as needed by clients.</li> <li>6. Advocacy on behalf of individual clients as required and on behalf of clients as a class, for example with record agencies.</li> <li>7. Outreach and publicity.</li> <li>8. Research into the history and effects of forcible removal.</li> <li>9. Indigenous and non-Indigenous community education about the history and effects of forcible removal.</li> <li>10. Engaging the service of Indigenous experts for provision of genealogical information, traditional healing and escorting and sponsoring those returning to their country of origin.</li> <li>11. Participation in training of Indigenous people as researchers, archivists, genealogists and counsellors.</li> <li>12. Participation in national networks and conferences.</li> <li>13. Effective participation on Record Taskforces.</li> <li>14. Support of test cases and other efforts to obtain compensation.</li> </ol>
31a 	Return of those removed overseas	That the Commonwealth create a special visa class under the Migration Act 1951 (Cth) to enable Indigenous people forcibly removed from their families and from Australia and their descendants to return to Australia and take up permanent residence.
31b 		That the Commonwealth amend the Citizenship Act 1948 (Cth) to provide for the acquisition of citizenship by any person of Aboriginal or Torres Strait Islander descent.
31c 		That the Commonwealth take measures to ensure the prompt implementation of the International Transfer of Prisoners Bill 1996.
32 	Research	That the Commonwealth Government work with the national Aboriginal and Torres Strait Islander Health Council in consultation with the National Aboriginal Community Controlled Health Organisation (NACCHO) to devise a program of research and consultations to identify the range and extent of emotional and well-being effects of the forcible removal policies.
33a 	Indigenous well-being model	That all services and programs provided for survivors of forcible removal emphasise local Indigenous healing and well-being perspectives.
33b 		That government funding for Indigenous preventive and primary mental health (well-being) services be directed exclusively to Indigenous community-based services including Aboriginal and Islander health services, child care agencies and substance abuse services.
33c 		That all government-run mental health services work towards delivering specialist services in partnership with Indigenous community-based services and employ Indigenous mental health workers and community members respected for their healing skills.

BTH report recommendation number	BTH report theme	BTH report recommendation
34a 	Health professional training	That government health services, in consultation with Indigenous health services and family tracing and reunion services, develop in-service training for all employees in the history and effects of forcible removal.
34b 		That all health and related training institutions, in consultation with Indigenous health services and family tracing and reunion services, develop under-graduate training for all students in the history and effects of forcible removal.
35 	Mental health worker training	That all State and Territory Governments institute Indigenous mental health worker training through Indigenous-run programs to ensure cultural and social appropriateness.
36 	Parenting skills	That the Council of Australian Governments ensure the provision of adequate funding to relevant Indigenous organisations in each region to establish parenting and family well-being programs.
37 	Prisoner services	That the Council of Australian Governments ensure the provision of adequate funding to Indigenous health and medical services and family well-being programs to establish preventive mental health programs in all prisons and detention centres and to advise prison health services. That State and Territory corrections departments facilitate the delivery of these programs and advice in all prisons and detention centres.
38a 	Private collections	That every church and other non-government agency which played a role in the placement and care of Indigenous children forcibly removed from their families, at the request of an Indigenous language, culture and history centre, transfer historical and cultural information it holds relating to the community or communities represented by the centre.
38b 		That churches and other non-government agencies which played a role in the placement and care of Indigenous children forcibly removed from their families identify all records relating to Indigenous families and children and arrange for their preservation, indexing and access in secure storage facilities preferably, in consultation with relevant Indigenous communities and organisations, in the National Library, the Australian Institute of Aboriginal and Torres Strait Islander Studies or an appropriate State Library.
38c 		That every church and non-government record agency which played a role in the placement and care of Indigenous children forcibly removed from their families provide detailed information about its records to the relevant Indigenous Family Information Service or Services.
39 	Application of minimum standards and common guidelines	That church and other non-government record agencies implement the national minimum access standards (Recommendation 25) and apply the relevant State, Territory or Commonwealth common access guidelines (Recommendation 23).
40a 	Counselling services	That churches and other non-government welfare agencies that provide counselling and support services to those affected by forcible removal review those services, in consultation with Indigenous communities and organisations, to ensure they are culturally appropriate.
40b 		That churches and other non-government agencies which played a role in the placement and care of Indigenous children forcibly removed from their families provide all possible support to Indigenous organisations delivering counselling and support services to those affected by forcible removal.
41 	Land holdings	That churches and other non-government agencies review their land holdings to identify land acquired or granted for the purpose of accommodating Indigenous children forcibly removed from their families and, in consultation with Indigenous people and their land councils, return that land.



BTH report recommendation number	BTH report theme	BTH report recommendation
42 	Social justice	That to address the social and economic disadvantages that underlie the contemporary removal of Indigenous children and young people the Council of Australian Governments, 1. in partnership with ATSIC, the Council for Aboriginal Reconciliation, the Office of the Aboriginal and Torres Strait Islander Social Justice Commissioner and Indigenous community organisations dealing with Indigenous family and children's issues, develop and implement a social justice package for Indigenous families and children, and 2. pursue the implementation of the recommendations of the Royal Commission into Aboriginal Deaths in Custody which address underlying issues of social disadvantage.
43a 	Self-determination	That the Council of Australian Governments negotiate with the Aboriginal and Torres Strait Islander Commission, the Aboriginal and Torres Strait Islander Social Justice Commissioner, the Secretariat of National Aboriginal and Islander Child Care and the National Aboriginal and Islander Legal Services Secretariat national legislation establishing a framework for negotiations at community and regional levels for the implementation of self-determination in relation to the well-being of Indigenous children and young people (national framework legislation).
43b 		That the national framework legislation adopt the following principles. 1. That the Act binds the Commonwealth and every State and Territory Government. 2. That within the parameters of the Act Indigenous communities are free to formulate and negotiate an agreement on measures best suited to their individual needs concerning children, young people and families. 3. That negotiated agreements will be open to revision by negotiation. 4. That every Indigenous community is entitled to adequate funding and other resources to enable it to support and provide for families and children and to ensure that the removal of children is the option of last resort. 5. That the human rights of Indigenous children will be ensured.
43c 		That the national framework legislation authorise negotiations with Indigenous communities that so desire on any or all of the following matters, 1. the transfer of legal jurisdiction in relation to children's welfare, care and protection, adoption and/or juvenile justice to an Indigenous community, region or representative organisation, 2. the transfer of police, judicial and/or departmental functions to an Indigenous community, region or representative organisation, 3. the relationship between the community, region or representative organisation and the police, court system and/or administration of the State or Territory on matters relating to children, young people and families including, where desired by the Indigenous community, region or representative organisation, policy and program development and the sharing of jurisdiction, and/or 4. the funding and other resourcing of programs and strategies developed or agreed to by the community, region or representative organisation in relation to children, young people and families.
44 	National standards for Indigenous children	That the Council of Australian Governments negotiate with the Aboriginal and Torres Strait Islander Commission, the Aboriginal and Torres Strait Islander Social Justice Commissioner, the Secretariat of National Aboriginal and Islander Child Care and the National Aboriginal and Islander Legal Services Secretariat national legislation binding on all levels of government and on Indigenous communities, regions or representative organisations which take legal jurisdiction for Indigenous children establishing minimum standards of treatment for all Indigenous children (national standards legislation).
45a 	National standards for Indigenous children under State, Territory or shared jurisdiction	That the national standards legislation include the standards recommended below for Indigenous children under State or Territory jurisdiction or shared jurisdiction.
45b 		That the negotiations for national standards legislation develop a framework for the accreditation of Indigenous organisations for the purpose of performing functions prescribed by the standards.

BTH report recommendation number	BTH report theme	BTH report recommendation
46a 	Standard 1: Best interests of the child – factors	That the national standards legislation provide that the initial presumption is that the best interest of the child is to remain within his or her Indigenous family, community and culture.
46b 		That the national standards legislation provide that in determining the best interests of an Indigenous child the decision maker must also consider, 1. the need of the child to maintain contact with his or her Indigenous family, community and culture, 2. the significance of the child's Indigenous heritage for his or her future well-being, 3. the views of the child and his or her family, and 4. the advice of the appropriate accredited Indigenous organisation.
47 	Standard 2: When best interests are paramount	That the national standards legislation provide that in any judicial or administrative decision affecting the care and protection, adoption or residence of an Indigenous child the best interest of the child is the paramount consideration.
48 	Standard 3: When other factors apply	That the national standards legislation provide that removal of Indigenous children from their families and communities by the juvenile justice system, including for the purposes of arrest, remand in custody or sentence, is to be a last resort. An Indigenous child is not to be removed from his or her family and community unless the danger to the community as a whole outweighs the desirability of retaining the child in his or her family and community.
49 	Standard 4: Involvement of accredited Indigenous organisations	That the national standards legislation provide that in any matter concerning a child the decision maker must ascertain whether the child is an Indigenous child and in every matter concerning an Indigenous child ensure that the appropriate accredited Indigenous organisation is consulted thoroughly and in good faith. In care and protection matters that organisation must be involved in all decision making from the point of notification and at each stage of decision making thereafter including whether and if so on what grounds to seek a court order. In juvenile justice matters that organisation must be involved in all decisions at every stage including decisions about pre-trial diversion, admission to bail and conditions of bail.
50 	Standard 5: Judicial decision making	That the national standards legislation provide that in any matter concerning a child the court must ascertain whether the child is an Indigenous child and, in every case involving an Indigenous child, ensure that the child is separately represented by a representative of the child's choosing or, where the child is incapable of choosing a representative, by the appropriate accredited Indigenous organisation.

BTH report recommendation number	BTH report theme	BTH report recommendation
51a 	Standard 6: Indigenous Child Placement Principle	That the national standards legislation provide that, when an Indigenous child must be removed from his or her family, including for the purpose of adoption, the placement of the child, whether temporary or permanent, is to be made in accordance with the Indigenous Child Placement Principle.
51b 		Placement is to be made according to the following order of preference, 1. placement with a member of the child's family (as defined by local custom and practice) in the correct relationship to the child in accordance with Aboriginal or Torres Strait Islander law, 2. placement with a member of the child's community in a relationship of responsibility for the child according to local custom and practice, 3. placement with another member of the child's community, 4. placement with another Indigenous carer.
51c 		The preferred placement may be displaced where, 1. that placement would be detrimental to the child's best interests, 2. the child objects to that placement, or 3. no carer in the preferred category is available.
51d 		Where placement is with a non-Indigenous carer the following principles must determine the choice of carer, 1. family reunion is a primary objective, 2. continuing contact with the child's Indigenous family, community and culture must be ensured, and 3. the carer must live in proximity to the child's Indigenous family and community.
51e 		No placement of an Indigenous child is to be made except on the advice and with the recommendation of the appropriate accredited Indigenous organisation. Where the parents or the child disagree with the recommendation of the appropriate accredited.
52 	Standard 7: Adoption a last resort	That the national standards legislation provide that an order for adoption of an Indigenous child is not to be made unless adoption is in the best interests of the child and that adoption of an Indigenous child be an open adoption unless the court or other decision maker is satisfied that an open adoption would not be in the best interests of the child. The terms of an open adoption order should remain reviewable at any time at the instance of any party.

BTH report recommendation number	BTH report theme	BTH report recommendation
53a 	Standard 8: Juvenile justice	That the national standards legislation incorporate the following rules to be followed in every matter involving an Indigenous child or young person.
53b 		<p>That the national standards legislation provide that evidence obtained in breach of any of the following rules is to be inadmissible against the child or young person except at the instance of the child or young person himself or herself..</p> <p><b>Rule 1. Warnings</b> Arrest and charge are actions of last resort. Subject to Rule 2, a police officer is to issue a warning, without charge, to a child or young person reasonably suspected of having committed an offence without requiring the child or young person to admit the offence and without imposing any penalty or obligation on the child or young person as a condition of issuing the warning.</p> <p><b>Rule 2. Summons, attendance notice</b> A child or young person may be charged with an offence when the alleged offence is an indictable offence. The charging officer must secure the suspect's attendance at the court hearing in relation to the charge by issuing a summons or attendance notice unless the officer has a reasonable belief that the suspect is about to commit a further indictable offence or, due to the suspect's previous conduct, that the suspect may not comply with a summons or attendance notice.</p> <p><b>Rule 3. Notification</b> When a child or young person has been arrested or detained the responsible officer must notify the appropriate accredited Indigenous organisation immediately of the fact of the arrest and make arrangements for the attendance of a representative of that organisation.</p> <p><b>Rule 4. Consultation</b> The responsible officer, in accordance with Standard 4, must consult thoroughly and in good faith with the appropriate accredited Indigenous organisation as to the appropriate means of dealing with every child or young person who has been arrested or detained.</p> <p><b>Rule 5. Interrogation</b> No suspect or witness is to be interviewed in relation to an alleged offence unless, (a) a parent or person responsible for the suspect or witness is present, unless the suspect or witness refuses to be interviewed in the presence of such a person or such a person is not reasonably available, (b) a legal adviser chosen by the suspect or witness or, where he or she is not capable of choosing a legal adviser, a representative of the appropriate accredited Indigenous organisation is present, and (c) an interpreter is present in every case in which the suspect or witness does not speak English as a first language.</p> <p><b>Rule 6. Caution</b> No suspect or witness is to be interviewed in relation to an alleged offence unless the caution has been explained in private to the suspect or witness by his or her legal adviser or representative, the interviewing officer has satisfied himself or herself that the suspect or witness understands the caution, and the suspect or witness freely consents to be interviewed.</p> <p><b>Rule 7. Withdrawal of consent</b> The interview is to be immediately discontinued when the suspect or witness has withdrawn his or her consent.</p> <p><b>Rule 8. Recording</b> Every interview must be recorded on audio tape or audiovisual tape. The tape must include the pre-interview discussions between the suspect or witness and the interviewing officer in which the officer must satisfy himself or herself that the suspect or witness understands the caution and freely consents to be interviewed.</p> <p><b>Rule 9. Bail</b> Unconditional bail is a right. The right to bail without conditions can only be varied where conditions are reasonably believed due to the suspect's past conduct to be necessary to ensure the suspect will attend court as notified. The right to bail can only be withdrawn where it is reasonably believed, due to the nature of the alleged offence or because of threats having been made by the suspect, that remand in custody is necessary in the interests of the community as a whole.</p>



BTH report recommendation number	BTH report theme	BTH report recommendation
<b>53b</b> 	Standard 8: Juvenile justice	<p><b>Rule 10. Bail review</b> The suspect has a right to have the imposition of bail conditions or the refusal of bail reviewed by a senior police officer. In every case in which the senior officer refuses to release the suspect on bail, the officer must immediately notify a magistrate, bail justice or other authorised independent person who is to conduct a bail hearing forthwith. The suspect is to be represented at that hearing by a legal adviser of his or her choice or, where incapable of choosing, by a representative of the appropriate accredited Indigenous organisation.</p> <p><b>Rule 11. Bail hostels</b> When bail has been refused the suspect is to be remanded in the custody of an Indigenous bail hostel, group home or private home administered by the appropriate accredited Indigenous organisation unless this option is not available in the locality.</p> <p><b>Rule 12. Detention in police cells</b> No suspect is to be confined in police cells except in extraordinary and unforeseen circumstances which prevent the utilisation of alternatives. Every suspect confined in police cells overnight is to be accompanied by an Indigenous person in a relationship of responsibility to the suspect.</p> <p><b>Rule 13. Non-custodial sentences</b> Custodial sentences are an option of last resort. Every child or young person convicted of an offence who, in accordance with Rule 14 cannot be dismissed without sentence, is to be sentenced to a non-custodial program administered by the appropriate accredited Indigenous organisation or by an Indigenous community willing to accept the child. The child's consent to be dealt with in this way is required. The selection of the appropriate program is to be made on the advice of the appropriate accredited Indigenous organisation and, where possible, the child's family.</p> <p><b>Rule 14. Sentencing factors</b> The sentencer must take into account, the best interests of the child or young person, the wishes of the child or young person's family and community, the advice of the appropriate accredited Indigenous organisation, the principle that Indigenous children are not to be removed from their families and communities except in extraordinary circumstances, and Standard 3.</p> <p><b>Rule 15. Custodial sentences</b> Where the sentencer, having taken into account all of the factors stipulated in Rule 14, determines that a custodial sentence is necessary, the sentence must be for the shortest appropriate period of time and the sentencer must provide its reasons in writing to the State or Territory Attorney General and the appropriate accredited Indigenous organisation. No child or young person is to be given an indeterminate custodial sentence or a mandatory sentence.</p>
<b>54</b> 	Family Law	That the Family Law Act 1975 (Cth) be amended by, 1. including in section 60B(2) a new paragraph (ba) 'children of Indigenous origins have a right, in community with the other members of their group, to enjoy their own culture, profess and practice their own religion, and use their own language', and 2. replacing in section 68F(2)(f) the phrase 'any need' with the phrase 'the need of every Aboriginal and Torres Strait Islander child'.

## Appendix 2

### Timeline of key developments and events since the *Bringing Them Home* report

The discussion paper authors prepared this timeline of key events, reports, initiatives since the *Bringing Them Home* report based on what was noted from the desktop review were the central developments relating to the *Bringing Them Home* report and its recommendations.

Year	What
August 1995	Following advocacy from Aboriginal and Torres Strait Islander organisations, the Australian Government asked the Human Rights and Equal Opportunity Commission to carry out a national inquiry to: <ul style="list-style-type: none"> <li>• examine the past laws, practices and policies of forcible separation of Aboriginal and Torres Strait Islander children from their families and their effects</li> <li>• identify what should be done in response, including any changes in current laws, practices and policies with a focus on locating and reunifying families</li> <li>• examine the justification for any compensation for those affected by the forcible separations</li> <li>• look at then current laws, policies and practices affecting the placement and care of Indigenous children.</li> </ul>
26 May 1997	<i>Bringing Them Home</i> report tabled in Federal Parliament.
	National Sorry Day Committee established to monitor and oversee the implementation of the recommendations of the <i>Bringing Them Home</i> report.
15 August 1997	Meeting of the Ministerial Council for Aboriginal and Torres Strait Islander Affairs resolved that it was the appropriate federal, state and territory forum to consider inter-governmental action on recommendations of the <i>Bringing Them Home</i> report; and that a Working Group, convened and coordinated by Victoria, be established to make recommendations to the Ministerial Council.
1997 – 2007	This period is marked by the rejection of the <i>Bringing Them Home</i> report by the Federal Government. Many of the recommendations around reparations and for a formal apology are rejected. In December 1997, \$63 million is allocated over four years for services including 'regional social and emotional wellbeing centres, counselling positions, Link-Up services, culture and language maintenance programs, and family support and parenting program'. <sup>62</sup> Evaluations of progress against the recommendations show 'the Australian Government's response in particular had been under-funded, badly directed, poorly coordinated, and insufficiently targeted to the needs of the Stolen Generations'. <sup>63</sup>
1998	Sorry Books open.
22 May 1998	New South Wales Police Commissioner, Peter Ryan, apologises to members of the Stolen Generations.
17 November 1998	Western Australia publishes its formal responses to the recommendations in the <i>Bringing Them Home</i> report.
31 December 1998	South Australia publishes its formal responses to the recommendations in the <i>Bringing Them Home</i> report.
1999	Human Rights and Equal Opportunity Commission releases the Social Justice Report 1998 which documents the responses to the <i>Bringing Them Home</i> report.
26 May 1999	New South Wales publishes its formal responses to the recommendations in the <i>Bringing Them Home</i> report.
26 August 1999	Motion of Reconciliation moved in the House of Representatives by then Prime Minister John Howard. Endorsed by both houses.
28 May 2000	The People's Walk for Reconciliation attracts big crowds in state and territory capitals throughout Australia.

Year	What
November 2000	Legal and Constitutional References Committee publishes its report – HEALING: A legacy of generations – the report of the inquiry into the Federal Government's implementation of the recommendations made by the Human Rights and Equal Opportunity Commission in <i>Bringing Them Home</i> .
2001	<a href="#">God's Own Country</a> published by the Anglican Church in Tasmania. 'Continuing the Journey' published by the National Council of Churches.
16 October 2002	Valerie Linow – successful compensation claim in NSW through the Victims Compensation Tribunal. \$35,000 awarded in compensation.
2003	Ministerial Council for Aboriginal and Torres Strait Islander Affairs releases its 2003 report, Evaluation of responses to Bringing Them Home Report: final report.
2004	Memorial to the Stolen Generations unveiled at Reconciliation Place in Canberra by the Federal Government.
2005	Aboriginal and Torres Strait Islander Commission (ATSIC) abolished.
2007	Northern Territory Intervention. Bruce Trevorrow sued the South Australian Government for compensation. Supreme Court of South Australia approved \$775,000 in damages.
2007–2008	Tasmania implemented a reparations process. Survivors received a little over \$58,000 each and eligible children between \$4,000 and \$5,000.
2007	Human Rights and Equal Opportunity Commission report published. <i>Us Taken-Away Kids: Commemorating the 10th Anniversary of the Bringing Them Home report</i> . Evaluation of Bringing Them Home and Indigenous Mental Health Programs. Canberra, Report prepared by Urbis Keys Young for the Office for Aboriginal and Torres Strait Islander Health, Department of Health and Ageing.
13 February 2008	The Apology to Australia's Indigenous Peoples moved by the Prime Minister, the Hon Kevin Rudd MP and passed by the Australian Parliament. Formal Response on behalf of the Stolen Generations to the Parliament of Australia's National Apology by Professor Tom Calma, Aboriginal and Torres Strait Islander Social Justice Commissioner, 13 February 2008.
19 and 20 April 2008	2020 Summit held by the Rudd Government. Recommended long-term funding for an Aboriginal and Torres Strait Islander healing body.
June 2008	Senate Committee Report – Stolen Generation Compensation Bill 2008.
National Healing Forum, 16 and 17 September 2008	Convened by the Minister for Families, Housing, Community Services and Indigenous Affairs, the Hon Jenny Macklin MP. This forum brought together approximately 60 delegates including members of the Stolen Generations, other Aboriginal and Torres Strait Islander individuals and organisations, the Australian Human Rights Commission, government representatives and researchers. This forum discussed what 'healing' meant and showcased examples of successful healing programs and public policy directions. The forum resolved to support the establishment of a Healing Foundation.
November 2008	Council of Australian Governments approved the National Indigenous Reform Agreement which set out 6 Closing the Gap targets to close key gaps in life expectancy within a decade.
13 February 2009	Minister Jenny Macklin announced \$26.6 million in funding over four years to establish the Aboriginal and Torres Strait Islander Healing Foundation to address the healing needs of Aboriginal and Torres Strait Islander people, with a strong focus on the Stolen Generations.
2009	Public Interest Advocacy Centre (PIAC) releases <i>Restoring Identity</i> – the final report of the <i>Moving forward</i> consultation project on a national reparations scheme.
3 April 2009	Australia supports the United Nations Declaration on the Rights of Indigenous Peoples.

Year	What
May – August 2009	Aboriginal and Torres Strait Islander Healing Foundation Development Team conduct consultations on healing and the establishment of the Foundation.
May 2010	Stolen Generations Working Partnership launched between Stolen Generations peak organisations and government agencies. Were to meet twice per year as organised by the Department of Families, Community Services and Indigenous Affairs (FaCHSIA), now Department of Social Services. It has not met since June 2013.
National Sorry Day 2011	First National Sorry Day Committee Scorecard released in May and updated in November.
2012	National Sorry Day Committee Scorecard detailed progress in the previous 12 months.
2014	The Healing Foundation releases <i>Prospective cost benefit analysis of healing centres</i> .
2015	Scorecard released by National Sorry Day Committee. South Australia's Stolen Generations Reparation Scheme announced.
2016	NSW Parliament report, <i>Reparations for the Stolen Generations in NSW, Unfinished Business</i> , released by the Legislative Council General Purpose Standing Committee.
2017	NSW Stolen Generations Reparation Scheme commenced. Australian Law Reform Commission releases <i>Pathways to Justice—inquiry into the incarceration rate of Aboriginal and Torres Strait Islander Peoples</i> . Deloitte Access Economics releases <i>Cost Benefit Analysis of the Murri School Healing Program: Report prepared for The Healing Foundation</i> . Pat Anderson and Edward Tilton author <i>Bringing Them Home 20 years on: an action plan for healing</i> . This project was led by the Stolen Generations Reference Group and informed by consultation with Stolen Generations Organisations across the country. The report was designed to coincide with the 20th anniversary of the release of the <i>Bringing Them Home</i> Report and revisited and reviewed the recommendations, principles and progress. It developed an action plan to meet the continuing and emerging needs of Stolen Generations members and their families.
December 2017	Final Report, Royal Commission into Institutional Responses to Child Sexual Abuse. Edward Tilton authors <i>Australian policy and service delivery landscape as it affects the Stolen Generations, Research Paper</i> for The Healing Foundation.
2018	National Redress Scheme for people who have experienced institutional child sexual abuse was established in response to recommendation by the Royal Commission into Institutional Responses to Child Sexual Abuse.
January 2018	Institutions to which children were removed report, Ruth McCausland, Anna Nettheim and Cassie Kang (2018), <i>Institutional mapping report</i> . Research paper for The Healing Foundation.
February 2018	Knowledge Circle, Canberra – to mark the 10 years since the apology. Northern Territory announced a reparations scheme but has made no further progress.
2018	Australian Institute of Health and Welfare (AIHW) reported on data about the numbers and contemporary situations of Stolen Generations survivors and their descendants. Based on the five surveys conducted by the Australian Bureau of Statistics: The National Aboriginal and Torres Strait Islander Social Survey (NATSISS) of 2022 and 2014–2015; and the National Aboriginal and Torres Strait Islander Health Survey (NATSIHS) of 2004–05 and 2012–2013. The AIHW updated this using the 2018–2019 NATSIHS. Western Australian Police Commissioner apologises to Stolen Generations survivors.
July 2018	Report of the South Australian Stolen Generations Scheme – Independent Assessor, July 2018.
2019	Department of Health publishes: <i>Actions to support older Aboriginal and Torres Strait Islander people: a guide for consumers and a guide for care providers</i> . This represents an Aged Care Action plan for Aboriginal and Torres Strait Islander peoples.

Year	What
March 2020	Victoria announced it would establish a Stolen Generations redress scheme to commence in 2021 and include \$10 million for counselling, a funeral expenses fund and ex gratia payments.
2020	<p><i>Wiyi Yani U Thangani (Women's Voices): Securing Our Rights, Securing Our Future</i> report released by the Aboriginal and Torres Strait Islander Social Justice Commissioner.</p> <p>The Healing Foundation partnered with the National Indigenous Australians Agency to provide grants of up to \$30,000 to enable Stolen Generations Organisations to deliver COVID 19 response projects.</p>
April 2021	Shine Lawyers launch class action for compensation for Northern Territory Stolen Generations survivors.
May 2021	<p>The Healing Foundation releases the <i>Make Healing Happen – It's time to act</i> report. This settled on four actions:</p> <p>Action 1: redress  Action 2: meeting the complex needs of Stolen Generations survivors  Action 3: healing intergenerational trauma and preventing new harm  Action 4: sustainable and robust monitoring and evaluation.</p> <p>The Contemporary Experiences and Needs of Stolen Generations survivors; a qualitative analysis by Ruth McCausland, Anna Nettheim and Cassie Kang.</p>
October 2021	Territories Stolen Generations Redress Scheme (Facilitation) Bill 2021 [Provisions] and Territories Stolen Generations Redress Scheme (Consequential Amendments) Bill 2021.
1 March 2022	Territories Stolen Generations Redress Scheme opens and closes 28 February 2026. Relevant to Northern Territory, ACT and Jervis Bay.
31 March 2022	Victorian Stolen Generations Reparations Package opens.
24 May 2024	Victorian Police Commissioner apologises to Stolen Generations.
3 August 2024	The Northern Territory Commissioner of Police Michael Murphy delivers an Apology at the Garma Festival on 3 August 2024.
10 October 2024	The Victorian Premier apologises to Victorian Stolen Generations survivors on behalf of the Victorian Government.

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