

A sorry way to right a terrible wrong

By Anne Summers
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It's been more than 10 years so it is now almost impossible for people like me to recall clearly the shock and the horror, the shame and the sadness we felt when we first read (or read about) *Bringing Them Home*, the report of the inquiry by the Human Rights and Equal Opportunity Commission into what was termed "the separation of Aboriginal and Torres Strait Islander children from their families".

The term "stolen generation" was not yet in common use but we soon became aware, from the commission's report, that between "one in three and one in 10 indigenous children were forcibly removed from their families and communities in the period ... 1910 until 1970". The report made a lot of recommendations, including the need for an apology and for monetary compensation, but there was a big problem. Between the inquiry being established in August 1995 and its reporting back in April 1997 there was a change of government - and a change of political conscience.

The new prime minister, John Howard, not only would not apologise but decried the need to apologise, arguing that it would imply guilt on the part of the present generation. Various commentators took up his arguments, some of them going so far as to deny the very existence of a stolen generation, claiming instead that the removal of children was either consensual or necessary for their welfare. These arguments had the effect of politicising something that ought to have been a straightforward matter of acknowledging and redressing a historical wrong, and of pushing it into the political future.

The inevitable day of reckoning has arrived - and it threatens to be as much a disappointment as a healing.

Kevin Rudd has promised the apology as one of his first acts when Parliament resumes next month and his Indigenous Affairs Minister, Jenny Macklin, who has carriage of the apology, is talking to indigenous leaders and to groups such as the Stolen Generations Alliance that were shunned by the Howard government.

A lot of work is going into finding the appropriate language, and designing an accompanying event that will strike the right balance between sadness for what happened and the optimism that ought to accompany the opening of a new chapter in relations between our federal government and indigenous Australians.

There is a lot of goodwill towards Macklin among indigenous leaders, but there is also an emerging frustration that after a decade of waiting, the apology is going to be, as someone put it this week, "bargain basement".

The Murdoch press ran hard all last week on the other major commission recommendation: compensation. True to its track record of scare-mongering on the subject, the *Herald Sun* in Melbourne ran headlines such as "\$1 billion for stolen generation" (Monday), "Stolen generation lawsuits could top compensation bid" (Tuesday), "Noel Pearson snubbed by Rudd government in 'sorry'" (Wednesday) and "Landmark Stolen Generation case wants 37 years interest" (Thursday).

The subtext was that saying sorry could be expensive, so don't do it. Macklin was forced to pen an op-ed piece for the paper restating the basic case for an apology.

Those people still trying to canvass the merits of an apology seem to have forgotten that between 1997 and 1999 every state and territory government issued a formal apology for the forced removal of children from their families, that apologies were made by churches, welfare groups and other organisations, that the first national Sorry Day (another commission recommendation) was held on May 26, 1998, and that about 1 million individual Australians have signed "Sorry" books.

The momentum of these efforts (and the marches for reconciliation in various cities) was halted by Howard's refusal to apologise so that, in some respects, what is happening now is like starting from scratch. Ten years of what could have been productive and mutually respectful processes of reconciliation have been wasted.

Even now, when we should be having a mature and rational debate about the form of the apology and how best to compensate the people affected by these hideous wrongs, the Government is running scared of an electoral backlash and is worried about its budget bottom line. As a result, both Macklin and the acting Prime Minister, Julia Gillard, this week reaffirmed that there would be no compensation fund - and certainly no billion dollars to set things right.

Instead, the Government will spend \$261 million on health and education to close the 17-year life expectancy gap between indigenous and non-indigenous Australians. "From a moral point of view, the apology should stand on its own," Macklin told me last week. It should not be part of a debate on compensation, she said. Determining payments to individuals would be too difficult because many who were not themselves removed were nevertheless adversely affected. She prefers to put funds into counselling, family research, language tuition and other specific programs of remediation, and argues that individuals are free to pursue remedies in the courts if they wish.

And there will be cases. Despite the inherent difficulties (the elapsed time period, poor records, the trauma of court proceedings, etc), if this is the only option offered by the Federal Government, it is the one that will be taken up - and if they succeed, could actually cost the Government a lot more money than a well-designed compensation scheme. It could find itself in the position of South Australia, which is considering a scheme following a landmark case last year in which Bruce Trevorrow

was awarded \$525,000 in compensation for his removal from his family at the age of 13 months.

Maybe Rudd could follow the example of Paul Lennon, the Tasmanian Premier, who is a bit of a redneck on issues such as logging but who made a commitment during the 2006 state election "to be the first jurisdiction to deal with this issue" and promised a \$5 million stolen generation compensation fund.

Lennon told an SBS program late last year it was wrong to assume that compensation would be electorally unpopular: "If that's the case, why were we re-elected with a bigger vote in 2006 having promised this during the campaign? It's had a high level of support within the wider community, which may surprise some people, but it just goes to show when governments are prepared to show leadership on key social issues, the community will throw its support behind you."

The legislation received multiparty support in Parliament and Lennon appointed a former Liberal premier, Ray Groom, who has enormous credibility with the Aboriginal population of Tasmania, to assess the 151 claims - far more than the 40 that were anticipated - which are capped at \$5000 a person and \$20,000 a family. On Tuesday Groom will advise claimants whether they have been successful.

Western Australia has established Redress WA, a \$114 million fund to make compensation payments of between \$10,000 and \$80,000 to children who were abused or neglected while in state care. The fund specifically invites stolen generation children to apply. Why can't the Commonwealth do something similar? Have we become so callous over the past 11 years that we have closed our hearts to the suffering caused by these inhumane policies?

As one NSW submission to the inquiry put it: "We may go home but we cannot relive our childhoods. We may reunite with our mothers, fathers, sisters, brothers, aunties, uncles, communities, but we cannot relive the 20, 30, 40 years that we spent without their love and care and they cannot undo the grief and mourning they felt when we were separated from them."

There are perhaps 17,000 people who could make a claim. There are lots of models for compensation. Germany made payments to the families of Holocaust victims; Canada has redress for Indian children removed from their families; James Hardie is compensating workers affected by asbestos; road accident victims get payments. Why should stolen children be denied comparable reparations?

Technically, it should be the states that deal with it, and maybe Canberra can encourage this, but it will have to take responsibility for the Northern Territory. It might make more sense to adopt a dignified and compassionate national approach, excluding expensive lawyers, capping payments and setting time limits. That way we can go forward together, apology given and - hopefully - accepted, reparations made, the past behind us, reconciled as one country.

If Paul Lennon can lead on this, surely Kevin Rudd can. The apology is important and long overdue but I suspect that, thanks in part to the intransigence of the previous government, it is not going to be enough.

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Alan Ramsey is on leave.