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About the Inquiry

Resource sheet

How did it all begin?

In 1995 the federal Attorney-General established the *National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from Their Families* (the Inquiry).

The Inquiry was established in response to increasing concerns among Indigenous agencies and communities that the Australian practice of separating Indigenous children from their families had never been formally examined. This meant that the long term effects of those separation policies and practices on Indigenous children, their families and communities had never been investigated or even acknowledged.

The Inquiry was given a limited budget and it relied on voluntary witnesses to come forward and tell their stories. It was not set up as a Royal Commission which would have had powers to compel witnesses to appear before it.

Who did the Inquiry talk to?

The Inquiry took evidence in public and private sittings from many different people including:

- Indigenous people
- government and church representatives
- former mission staff
- foster and adoptive parents
- doctors and health professionals
- academics
- police.

The President of the then Human Rights and Equal Opportunity Commission (now Australian Human Rights Commission), Sir Ronald Wilson and the then Aboriginal and Torres Strait Islander Social Justice Commissioner, Professor Mick Dodson, conducted most of the hearings. They were assisted by 13 Co-Commissioners, by members of an Indigenous Advisory Council and a range of experts in international law, Indigenous rights, health and juvenile justice.

A total of 777 people and organisations provided evidence or a submission; 535 Indigenous people gave evidence or submissions about their experiences of separation from their families and communities.

Where did the Inquiry travel to?

The Inquiry visited every state and territory capital and most regions of Australia, from Cape Barren in the south to the Torres Strait and the Kimberley in the north. Limited resources meant the Inquiry could not travel to every centre.

What was the scope of the Inquiry?

The Inquiry had four 'terms of reference'. This means that the Government asked the Commission to look specifically at four areas of key concern and to report back to the government on their findings.

The basic terms of reference for the Inquiry were to find out:

a) What were the laws, policies and practices that resulted in the removal of children in the past, and what effect did they have?

b) Were the (then) current laws and practices (related to services available) adequate enough to help people whom had been affected by removal in the past?

c) What factors were important to consider when thinking about compensation for people who had been removed?

d) Whether the (then) current laws and policies around removal needed to be changed.

The Inquiry was careful not to be seen to be 'raking over the past' for its own sake. It was careful to evaluate past actions in light of the legal values that prevailed at the time rather than through the lens of current views. The Inquiry submitted its report to the federal Parliament in April 1997.

Overview of the findings of the national Inquiry

The Inquiry reported that the separation of Indigenous people from their families as children and the abuse some experienced at the hands of the authorities or their delegates have permanently scarred their lives. The harm continues in later generations, affecting their children and grandchildren.

It never goes away. Just 'cause we're not walking around on crutches or with bandages or plasters on our legs and arms doesn't mean we're not hurting ... I suspect I'll carry these sorts of wounds 'til the day I die. I'd just like it not to be so intense, that's all.

Confidential evidence 580, Queensland.

The report concluded, 'It was difficult to capture the complexity of effects for each person. For the majority of witnesses to the Inquiry, the effects have been multiple, continuing and profoundly disabling.' A summary of the findings of the report relating to how the children who were separated from their families fared showed that:

- institutional conditions were often very harsh
- education was often very basic
- excessive physical punishments were common
- the children were at risk of sexual abuse
- some found happiness in their new home or institution
- people who were separated from their families are not better off*
- loss of heritage
- the effects on those left behind
- the effects of separation still resonate today.

* A 1994 Australian Bureau of Statistics (ABS) survey found that Indigenous people who were separated from their families in childhood are twice as likely to assess their health status as poor or only fair (29%) compared with people who were not removed (15.4%). The ABS survey found that people who have been separated from their families are less educated, less likely to be employed and receiving significantly less incomes than people who were raised in their communities. However, they are twice as likely to have been arrested more than once in the past five years, with one in five separated people having this experience.

Recommendations of the report

The report contained 54 recommendations which can be grouped under the following headings;

- Acknowledgement and apology – from parliaments, police forces and the churches who were involved.
- Guarantees against repetition – by the provision of education, training, and instituting self-determination principles.
- Restitution – by way of counselling services, assistance in maintaining records, language, culture and history centres.

- Rehabilitation – eg. mental health programs, parenting services.
- Monetary compensation – where a National Compensation Fund would operate.
- Implementation – a monitoring and audit process of the recommendations of the report.

To view the full extent of the report's recommendations visit: <http://www.humanrights.gov.au/bth>

Further information on government and non government responses, actions and events since the report was released can be found at <http://www.humanrights.gov.au/education/bth/timeline/index.html>

That is not to say that individual Australians who had no part in what was done in the past should feel or acknowledge personal guilt. It is simply to assert our identity as a nation and the basic fact that national shame, as well as national pride, can and should exist in relation to past acts and omissions, at least when done in the name of the community or with the authority of the government.

Former Australian Governor-General, Sir William Deane, August 1996