

Chapter 4

Beyond the Apology – an agenda for healing

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Part 1: Introduction

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On 13 February 2008 Prime Minister Kevin Rudd, on behalf of the Australian Parliament, made a historic and long overdue national Apology to the Stolen Generations. With eloquence and emotion, Prime Minister Rudd said what so many Australians have wanted to say, and what so many Indigenous peoples have needed to hear:

For the pain, suffering and hurt of the Stolen Generations, their descendants and for their families left behind, we say sorry.

To the mothers and fathers, the brothers and the sisters, for the breaking up of families and communities, we say sorry.

And for the indignity and degradation thus inflicted on a proud people and a proud culture, we say sorry.¹

I was honoured to respond to the Parliament's Apology on behalf of the National Sorry Day Committee and Stolen Generations Alliance. In my response I stated that:

By acknowledging and paying respect, Parliament has now laid the foundations for healing and for a reconciled Australia in which everyone belongs.²

More than this, I'd like to think that the National Apology was a transformational event in Australia's history. I draw comparisons to the election of Barack Obama as the first African American President of United States of America:

Just like many people will remember what they were doing when Barack Obama was elected as the President of the USA, an overwhelming majority of Australians will remember what they were doing when the Prime Minister apologised to the Stolen Generations.³

This transformational vision was shared by the Prime Minister. In the Apology speech he said:

1 Commonwealth, *Parliamentary Debates*, House of Representatives, 13 February 2008, p 167 (The Hon Kevin Rudd MP, Prime Minister).

2 T Calma, *Let the healing begin: Response to government to the apology to the Stolen Generations* (Speech delivered at the Members Hall, Parliament House, Canberra, 13 February 2008). At http://www.humanrights.gov.au/about/media/speeches/social_justice/2008/20080213let_the_healing_begin.html (viewed 17 October 2008).

3 T Calma, *Essentials for Social Justice: The Future* (Speech delivered at the Hawke Centre, University of South Australia, Adelaide, 12 November 2008). At http://humanrights.gov.au/about/media/speeches/social_justice/2008/20081112_future.html (viewed 13 November 2008).

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Let (the Apology) not become a moment of mere sentimental reflection. Let us take it with both hands and allow this day, this day of national reconciliation, to become one of those rare moments in which we might just be able to transform the way in which the nation thinks about itself...⁴

The National Apology was a 'line in the sand that marks the beginning of a new relationship and era of respect'.⁵ We now need to build on this relationship and respect to move beyond the National Apology to healing. This chapter will help outline an agenda for what is needed for this healing to occur.

Healing has been taking place in many different Indigenous communities and contexts. I have detailed just a few of these excellent examples in previous Social Justice Reports.⁶ An Indigenous well-being model was also part of the *Bringing them home* report's recommendations.

Recommendation 33a: That all services and programs provided for survivors of forcible removal emphasise local Indigenous healing and well-being perspectives.

Recommendation 33b: That government funding for Indigenous preventative 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.

Recommendation 33c: That all government-run mental health services works 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.⁷

However, it is now time to develop a comprehensive understanding of healing and look at ways that it can be systematically supported. In previous *Social Justice Reports* have found that many of the good examples of healing are ad hoc and poorly funded, when what is needed is consistent, long term support to heal the wounds of the Stolen Generations, their families and communities.

It is also timely to bring an agenda for healing to the fore of the national agenda on Indigenous affairs. Since the National Apology there is substantial good will and renewed political commitment to support healing. The following series of events that have occurred since the Apology highlight how healing has been elevated to the national political agenda.

Shortly after the Rudd Government commenced its term, the 2020 Summit was held on 19–20 April 2008. The 2020 Summit was a national agenda setting event, with participants from different sectors invited to identify their best ideas for dealing with Australia's future challenges. The 'Options for the future of Indigenous Australia' discussion stream at the summit recommended that the government should establish an entity that was an independent, legally-based healing body funded for the long term. The first step for such an entity would be to engage in programs, then build and lend support for the Indigenous-controlled services across the country—for example, health and child protection organisations. The participants also noted that the fund or entity could have the same structure as the Healing Foundation in Canada, though some concern was expressed about use of the word 'healing', and differences in

4 Commonwealth, *Parliamentary Debates*, House of Representatives, 13 February 2008, p 167 (The Hon Kevin Rudd MP, Prime Minister)

5 T Calma, *Essentials for Social Justice: The Future* (Speech delivered at the Hawke Centre, University of South Australia, Adelaide, 12 November 2008). At http://humanrights.gov.au/about/media/speeches/social_justice/2008/20081112_future.html (viewed 13 November 2008).

6 For previous discussions of healing in relation to family violence see *Social Justice Report 2007*; in relation to women exiting prison see *Social Justice Report 2004*; and in relation to the principle of reparations in international law see *Social Justice Report 2000*.

7 Human Rights and Equal Opportunity Commission, *Bringing them home: Report of the National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from Their Families* (1997) p396.

opinion were expressed in terms of what kinds of activities would be included in the body's mandate.⁸

On National Sorry Day, 26 May 2008, Prime Minister Kevin Rudd spoke of the government's commitment to the ongoing healing of the Stolen Generations, and to working with the Stolen Generations Working Group to advance this process. Prime Minister Rudd said:

Today the Australian Government continues its commitment to the ongoing healing of our Stolen Generations. It is so important that we build on the goodwill and opportunities that were opened up by the apology. One of the main concerns that have arisen through our engagement with the stolen generations has been the critical need for healing services to help individuals and families with their own healing.⁹

In his press release on the same day he also announced the government would:

In June 2008, the Government will meet with Stolen Generations members, professionals in women's and men's health, trauma, child protection and mental health specialists and family reunion services to map a way forward together.

The Department of Health will consult with Stolen Generations on the development of a training program and materials for mainstream health services providers on Stolen Generations issues.¹⁰

In June 2008 the Senate Legal and Constitutional Affairs Committee released its final report on the Inquiry into the Stolen Generations Compensation Bill 2008 in which it recommended the federal government's 'closing the gap' initiative be extended to establish a National Indigenous Healing Fund to provide health, housing, ageing, funding for funerals, and other family support services for members of the Stolen Generations as a matter of priority. The Committee considered that the Canadian Aboriginal Healing Foundation may provide a useful model for the establishment of that Fund.¹¹

The Department of Families, Housing and Community Services and Indigenous Affairs convened a Forum on Indigenous Healing on 16–17 September 2008. The aim of the forum was to bring national recognition to the impact of trauma and grieving in the lives of Aboriginal and Torres Strait Islander families. The Forum focused on healing of all Indigenous Australians, in particular Stolen Generations survivors and their families, as well as on what healing encompasses for Indigenous peoples and the educational and broader outcomes for children. The forum concluded with an agreed resolution that supported in principle the development of a national healing foundation and the formation of a working party, funded by government, to manage the community consultations on this.¹²

8 *Options for the future of Indigenous Australia*, Australia 2020 Summit Final Report (2008), p 221–252. At http://www.australia2020.gov.au/docs/final_report/2020_summit_report_6_communities.pdf (viewed 1 December 2008).

9 K Rudd, *Apology Calligraphy Unveiling*, (Speech delivered at Parliament House, Canberra, 26 May 2008). At http://pm.gov.au/media/Speech/2008/speech_0269.cfm (viewed 1 December 2008).

10 Prime Minister with Minister for Indigenous Affairs, 'Artwork Unveiled to Mark the Apology' (Media Release, 26 May 2008). At http://parlinfo.aph.gov.au/parlInfo/download/media/pressrel/SDKQ6/upload_binary/sdkq62.pdf;fileType=application%2Fpdf#search=%22PG6%20%22rudd,%20kevin,%20mp%22%22 (viewed 1 December 2008).

11 Standing Committee on Legal and Constitutional Affairs, Parliament of Australia, *Stolen Generation Compensation Bill 2008* (2008) par 3.131. At http://www.aph.gov.au/Senate/committee/legcon_ctte/stolen_generation_compenation/report/index.htm (viewed 17 October 2008). See part four of this paper, which identifies concerns among Stolen Generations groups for the need for specific funding and programs to be allocated to healing for Stolen Generations people, rather than being built into general Indigenous health initiatives such as the close the gap initiative.

12 FaHCSIA, *Papers of the Indigenous Healing Forum*, Indigenous Healing Forum, Canberra (16–17 September 2008).

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The Australian Greens also introduced the Stolen Generations Reparations Tribunal Bill into federal parliament on 24 September 2008. The Bill aimed to establish a Stolen Generations Reparations Tribunal with the functions of determining reparations and/or ex gratia payments for the historical injustice of the forcible removal of Aboriginal and Torres Strait Islander peoples from their families; creating a forum and process for truth and reconciliation; and considering proposed legislation and inquiring into prejudicial policies and practices, both past and present.¹³

The Bill identified different forms of reparation that could be made, including funding for healing centres, community education projects, community genealogy projects, and funding for access to counselling services, health services, language and culture training. Separate provision was made for monetary compensation for claimants who could prove that they have suffered particular types of harm, such as sexual or physical assault.¹⁴ Like the Stolen Generations Compensation Bill, this Bill was not passed.

Perhaps more importantly, Indigenous communities are stridently calling for healing. This is not new. There have been widespread calls for healing and healing programs to meet the recommendations for the *Bringing them home* report. However, we are now seeing renewed calls for healing to address broader issues like family violence and alcohol and other drug use.

These calls are coming from all parts of the Indigenous community and increasingly from Indigenous men. On 3 July 2008 a summit on Indigenous men's health in Alice Springs issued the Inteyerrkwe Statement:

We as Aboriginal males from Central Australia and our visitor brothers from around the Australia gathered at Inteyerrkwe in July 2008 to develop strategies to ensure our future roles as husbands, grandfathers, fathers, uncles, nephews, brothers, grandsons, and sons in caring for our children in a safe family environment that will lead to a happier, longer life that reflects opportunities experienced by the wider community.

We acknowledge and say sorry for the hurt, pain and suffering caused by Aboriginal males to our wives, to our children, to our mothers, to our grandmothers, to our granddaughters, to our aunts, to our nieces and to our sisters.¹⁵

The Inteyerrkwe Statement made specific recommendations for healing for Indigenous men to assist them in combating violence in their communities:

2. Establishment of places of healing for Aboriginal men, including men's shelters/ 'sheds', short term 'drying out' places for men, and more resources for long-term rehabilitation of Aboriginal men with alcohol and other drug problems, preferably within their own community. Also 'half-way' houses to either give 'time out' or time to move slowly back into work/family/training, preferably to be run by Aboriginal men.¹⁶

The Summit called on the Australian Government and the Northern Territory Government to respond by the end of September 2008, but as at the date of writing, the government was still considering its position.

While it is positive that government is beginning to look at healing options, it is Indigenous community calls for healing that provide the most compelling imperative to progress healing initiatives. As Gregory Phillips has stated, 'healing is not a strategy,

13 Explanatory Memorandum, Stolen Generations Reparations Tribunal Bill 2008 (Cth). At [http://www.comlaw.gov.au/ComLaw/Legislation/Bills1.nsf/0/6EE5378346464B5FCA2574D000050D5C/\\$file/S0654EM.rtf](http://www.comlaw.gov.au/ComLaw/Legislation/Bills1.nsf/0/6EE5378346464B5FCA2574D000050D5C/$file/S0654EM.rtf) (viewed 1 December 2008).

14 Explanatory Memorandum, Stolen Generations Reparations Tribunal Bill 2008 (Cth). At [http://www.comlaw.gov.au/ComLaw/Legislation/Bills1.nsf/0/6EE5378346464B5FCA2574D000050D5C/\\$file/S0654EM.rtf](http://www.comlaw.gov.au/ComLaw/Legislation/Bills1.nsf/0/6EE5378346464B5FCA2574D000050D5C/$file/S0654EM.rtf) (viewed 1 December 2008).

15 Aboriginal Male Health Summit, 'Inteyerrkwe Statement' (Media Release, 3 July 2008). At <http://www.caac.org.au/malehealthinfo/malehealthsummit2008sorry.pdf> (viewed 13 November 2008).

16 Aboriginal Male Health Summit, 'Inteyerrkwe Statement' (Media Release, 3 July 2008). At <http://www.caac.org.au/malehealthinfo/malehealthsummit2008sorry.pdf> (viewed 13 November 2008).

it is a process,¹⁷ and it is a process that needs the full ownership of the Indigenous community if it is going to work. I think the Indigenous community has been crying out for healing for a long time and are ideally placed to take on the challenge of healing. Developments like the Inteyerrkwe Statement show a community that is united in its desire to face up to some difficult realities and heal.

We have a unique opportunity to capitalise on this combined government and community momentum but it will be important for the discussion to be clear, articulate and consultative to ensure a good outcome.

This chapter aims to assist the context for such a discussion by articulating some of the common understandings of healing and healing programs and what can be done to support and advance an agenda for healing.

- *Part 2* provides background information on definitions of healing;
- *Part 3* provides some examples of healing from around Australia;
- *Part 4* examines learning from Canada's decade of healing work; and
- *Part 5* reports on our consultations with Indigenous experts and representative organisations on suggestions for a national Indigenous healing body.

17 G Phillips, *What is healing? – Appropriate public policy responses* (paper for the FaHCSIA Indigenous Healing Forum Canberra, 16–17 September 2008), p 2.

Part 2: Understanding Healing

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1. Defining healing

As I noted in my *Social Justice Report 2007*, healing can be hard to define and consequently often not well understood.¹⁸ The breadth of healing can lead to definitions that can seem vague, abstract and unempirical. This undermines the complexity of healing, and can ultimately diminish the credibility of programs that come under this banner.

To make healing a viable agenda that government will seriously fund and support we need to crystallise the case for healing by explaining what it is for Indigenous Australians. As Gregory Phillips notes:

Confounding the confusion over definition is the so called 'new age' approach to healing. There are lots of charlatans, Aboriginal and non Aboriginal, who assume the mantle of 'healer' and seek to sell their dodgy charms and wares for money, ego or prestige.¹⁹

This is not what healing is about. Previously I have defined healing as:

Indigenous concepts of healing are based on addressing the relationship between the spiritual, emotional and physical in a holistic manner. An essential element of Indigenous healing is recognising the interconnections between, and effects of, violence, social and economic disadvantage, racism and dispossession from land and culture on Indigenous peoples, families and communities.²⁰

An even simpler definition is borrowed from the Canadian and Native American experience but resonates with the Australian Indigenous experience: Healing is a 'spiritual process that includes therapeutic change and cultural renewal'.²¹

Both of these definitions include a spiritual aspect as well as a strong cultural aspect. Spirituality is largely outside the dominant paradigm of policy makers and funding bodies in Australia, yet it is an intrinsic part of healing. Perhaps this is part of the misunderstanding and reticence of government to truly engage with Indigenous healing programs.

Without getting into a metaphysical debate, spirituality is central to healing because it is a way of expressing and accessing the deepest part of the self that has suffered and needs to be made whole again. As Professor Judy Atkinson explains:

People don't come to me and say they want social or emotional well being or mental health. They say they want healing, they need something deeper that connects with their spirit.²²

Grounding healing in Indigenous culture is another important aspect which distinguishes Indigenous healing from other forms of social and emotional wellbeing. This can mean connecting to traditional Indigenous spiritual stories, practices that form traditional law and connection to country, as well as locating the healing process within the

18 Aboriginal and Torres Strait Islander Social Justice Commissioner, *Social Justice Report 2007*, Human Rights and Equal Opportunity Commission (2007), p 52.

19 G Phillips, 'Healing and Public Policy' in J Altman and M Hinkson (eds), *Coercive Reconciliation* (2007), p 142.

20 Aboriginal and Torres Strait Islander Social Justice Commissioner, *Social Justice Report 2004*, Human Rights and Equal Opportunity Commission (2004), p 57.

21 G Phillips, 'Healing and Public Policy' in J Altman and M Hinkson (eds), *Coercive Reconciliation* (2007), p 142.

22 J Atkinson, *Communication with Social Justice Commissioner's Office*, 27 August 2007.

Indigenous history and context. Indigenous healing, combined with its spiritual and cultural elements is about promoting wholeness and connection to move beyond the impact of the harms. As Gregory Phillips argues:

Healing is a process, it is not just a strategy and a nice formula of a funding program.²³

Healing is a spiritual process that includes recovery from addiction, therapeutic change and cultural renewal. It can't just be one, it must be all of those things.²⁴

However, what is striking about the definitions above is how healing is different from health services, housing, aged care, or family support. These are crucial services that can help establish the foundation for healing to take place and support people during the healing process, but they are not healing in and of themselves.

Similarly, unless healing services reach the crux of therapeutic change and cultural renewal, they will not achieve their aims and could be construed as a rather cynical attempt to re-badge basic entitlements. Primary health care, housing, aged care and family support are basic services and opportunities that all Australians should be entitled to.

2. Healing and trauma

Healing is a necessary response to address trauma experienced by individual and communities. So to understand healing we also need to understand trauma. Trauma is a 'sudden harmful disruption impacting on all of the spirit, body, mind and heart'²⁵ that requires healing. Psychologically, trauma has been defined as:

...an emotional state of discomfort and stress resulting from memories of an extraordinary catastrophic experience which shattered the survivor's sense of invulnerability to harm.²⁶

Trauma is qualitatively different from other negative life stressors as it fundamentally shifts perceptions of reality. Negative stressors:

leave an individual feeling 'put out', inconvenienced and stressed. These experiences are eventually relieved with the resolution of the stressor. In contrast, trauma represents destruction of the basic organising principles by which we come to know self, others and the environment; traumas wound deeply in a way that challenges the meaning of life. Healing from the wounds of such an experience requires a restitution of order and meaning in one's life.²⁷

Gregory Phillips talks about three areas of trauma experienced by Indigenous peoples:

- *Situational trauma* – trauma that occurs as a result of a specific or discrete event, for example from a car accident, murder or being taken away.
- *Cumulative trauma* – it is subtle and the feelings build over time, for example racism.

23 G Phillips, *What is healing? – Appropriate public policy responses* (paper for the FaHCSIA Indigenous Healing Forum Canberra, 16–17 September 2008), p 2.

24 G Phillips, *What is healing? – Appropriate public policy responses* (paper for the FaHCSIA Indigenous Healing Forum Canberra, 16–17 September 2008), p 7.

25 H Moran & S Fitzpatrick, *Healing for the Stolen Generations – A Healing Model for All* (Paper for the FaHCSIA Indigenous Healing Forum, Canberra, 16–17 September 2008).

26 C Figley, *Trauma and its wake, Volume 1: The study and treatment of post-traumatic stress disorder* (1985), p xviii.

27 J Atkinson, C Atkinson and T Goreng Goreng, *Trans- and Intergenerational Trauma Study Guide*, Gribi College Southern Cross University (2008), p 12.

- *Inter-generational trauma* – if trauma is not dealt with adequately in one generation, it often gets passed down unwittingly in our behaviours and in our thought systems. For example, if you want to heal children and youth, you have to heal yourself as well to break the cycle.²⁸

Importantly he notes that for Indigenous peoples who have experienced trauma as a result of colonisation, dispossession and dislocation, as well as the trauma of ongoing racism, family violence and other events, often all three forms of trauma are applicable.²⁹

Research has shown that the impacts of trauma are even more pronounced when the trauma has been deliberately inflicted rather than a result of natural circumstances. *Text Box 1*, based on an extract from Professor Judy Atkinson's work, illustrates these differences between deliberately inflicted trauma and trauma as a result of natural events in the contexts of a remote Indigenous community. On one hand, it tells a story of community strengths and solidarity in the face of a natural disaster while on the other hand, it tells the story of trauma experienced as a result of child sexual assault and community disintegration. This example demonstrates that deliberately inflicted trauma creates victimisation as well as all the associated emotional, psychological, cultural and spiritual harm. Deliberately inflicted trauma is much harder to recover from as it undermines the cohesion and strengths of individuals and communities.

Text Box 1: Natural disasters versus human atrocity³⁰

While visiting a group of Aboriginal people living in a small and remote community of Western Australia (which I will call Everywhere), they described to me what it was like for them the previous year, when a cyclone ravaged their community. Before the cyclone, they said they had prepared for the strong winds and the potential damage the cyclone could bring. They laughed and joked about their preparation, and how they came out of their shelters and found a changed world around them. After the cyclone, they said the country around them was as if an army of caterpillars had stripped all the leaves off the trees – making bare and raw the landscape, which surrounds their town.

The destruction of the physical environment was clear to see when flying into the community after the cyclone had passed. More importantly they were able to describe how they protected themselves from this natural disaster, which they called, with a kind of glee at how funny the world can be – *Cyclone Caterpillar*. They were competent in managing the potential threat of this natural event that in other related parts of the country, was called 'a disaster'.

During the same year a number of people in this small town called *Everywhere* committed suicide. Unlike other towns in Australia, impacted by natural disasters and suicide, people received no counselling support after the suicides.

28 Paraphrased from G Phillips, *What is healing? – Appropriate public policy responses*, (Paper for the FaHCSIA, Indigenous Healing Forum, Canberra, 16–17 September 2008), p 1.

29 G Phillips, *What is healing? – Appropriate public policy responses*, (Paper for the FaHCSIA, Indigenous Healing Forum, Canberra, 16–17 September 2008), p 2–3.

30 J Atkinson, C Atkinson and T Goreng Goreng, *Trans- and Intergenerational Trauma Study Guide*, Gnibi College Southern Cross University (2008), p 19–20.

Some months after the cyclone passed, a large number of arrests were made of senior men within the community on child sexual assault charges. Arrests continue at this very time, including children charged with abusing children. It is not possible to see the physical damage that this man made catastrophe has had on the people of *Everywhere*, let alone the emotional, psychological, social, cultural and spiritual distress. Yet, this distress is very real, and the social, cultural and spiritual fabric of *Everywhere* has been torn apart.

While during the time of the cyclone, Australians generally noted the progress and destruction of the cyclone, they did not take much notice. This was just another town in a remote part of Australia, subject to natural, yet devastating forces. It was far removed from the day-to-day lives of people living on the developed east coast of Australia. However, the arrests of many men from this small community made national and international headlines.

People from *Everywhere* had no idea that outside their community, others were talking about them; judging them; without understanding any of the circumstances with which they were living. They were struggling to understand what was happening within their own community, let alone outside their community.

They had no context to this great disaster, this *cyclone caterpillar* within. They knew what to do with the threat of the cyclone. This was their country. They had lived there, over hundreds of generations, through many such natural disasters. They knew how to prepare and reduce the potential impacts of the damage the cyclone would bring. They could not however, prepare themselves for the deeper and more lasting damage that the arrests, had crept up on them, and they had no contexts to its intrusion into the social fabric of the community, nor means of working to recover from its damage.

2.1 Historic and intergenerational trauma

Individual trauma reverberates across communities but also across the generations. The concept of historic trauma was initially developed in the 1980s by First Nations and Aboriginal peoples in Canada to explain the seeming unending cycle of trauma and despair in their communities. Essentially, the devastating trauma of genocide, loss of culture, and forcible removal from family and communities are all unresolved and become a sort of ‘psychological baggage... continuously being acted out and recreated in contemporary Aboriginal culture’.³¹

In Australia, Indigenous researchers have also demonstrated the connections between the historical experiences of colonisation and the forcible removal of children to the disadvantage of today’s Indigenous peoples and communities. Professor Judy Atkinson has worked on the intergenerational and trans generational transmission of trauma arguing that many of the problems in Indigenous communities, be it alcohol abuse, mental health problems, family violence or criminal behaviour, are symptomatic of the effects of this unresolved trauma reaching into the present day.³² Gregory Phillips also speaks of trauma that is handed down spiritually. Using Canadian elder, Vera Martin’s, reference to it as ‘blood memory’, he explains: “It is a collective memory of what has happened and what has not happened”.³³

31 C Wesley-Esquimaux and M Smolewski, *Historic Trauma and Aboriginal Health*, Aboriginal Health Foundation (2004), p 3.

32 J Atkinson, *Trauma Trails Recreating Song Lines: The Transgenerational Effects of Trauma in Indigenous Australia* (2002).

33 Gregory Phillips, *What is healing? – Appropriate public policy responses* (Paper for the FaHCSIA Indigenous Healing Forum, Canberra, 16–17 September 2008), p 3.

This unresolved trauma is not limited to the forcible removal of children from their families. Trauma can occur in response to exposure to family violence, sexual assault, child abuse and neglect, substance misuse and other forms of experience that can harm an individual's sense of self and wellbeing. These traumas also find their way to influence subsequent generations to come.

Professor Helen Milroy, an Indigenous psychiatrist specialising in child psychiatry, describes how trauma flows through to Indigenous children:

The transgenerational effects of trauma occur via a variety of mechanisms including the impact of attachment relationship with care givers; the impact on parenting and family functioning; the association with parental physical and mental illness; disconnection and alienation from the extended family, culture and society. These effects are exacerbated by exposure to continuing high levels of stress and trauma including multiple bereavements and other losses, the process of vicarious traumatisation where children witness the on-going effects of the original trauma which a parent or care giver has experienced. Even where children are protected from the traumatic stories of their ancestors, the effects of past traumas still impact on children in the form of ill health, family dysfunction, community violence, psychological morbidity and early mortality.³⁴

The dynamic of transgenerational effects of traumas was borne out in the results of the *Western Australian Aboriginal Child Health Survey*. Of the survey sample, 12% were looked after by a carer who had themselves been forcibly removed. These children were 2.3 times more likely to be at high risk of clinically significant emotional or behavioural difficulties.³⁵ This is consistent with the findings and recommendations of the *Bringing them home* report which highlighted the devastating intergenerational effects of forced removals.³⁶

Such evidence of the transgenerational impacts of trauma also challenges us to shift our thinking on the distinctions drawn between perpetrators and victims as we understand how offenders are often victims of trauma or transgenerational trauma themselves. For instance, in the unpublished thesis by Caroline Atkinson-Ryan, cited in the *Little Children are Sacred* Report, over a third of the Indigenous male prisoners interviewed had been sexually abused and of these most could be diagnosed with post traumatic stress symptoms.³⁷ The situation appears to be even worse for female Indigenous prisoners with a NSW study finding that 70% of Indigenous women had been sexually abused as children; 78% reported being physically abused as adults; and 44% reported being sexually assaulted as adults.³⁸

Professor Judy Atkinson argues that trauma becomes expressed as anger, violence and criminal behaviour, where 'rage turns inwards, but cascades down the generations, growing more complex over time'.³⁹ Anger, hopelessness, worthlessness and lack of genuine opportunities and disconnection run like a common thread through the experiences of both victims and perpetrators of violence.

34 H Milroy, 'Preface' in S Zubrick, S Silburn, D Lawrence, D Mitrou, R Dalby, E Blair, J Griffin, H Milroy, J DE Mario, A Cox and J Li, *The Western Australian Aboriginal Child Health Survey: The Social and Emotional Wellbeing of Aboriginal Children and Young People* (2005), p xxii.

35 S Zubrick et al, *The Western Australian Aboriginal Child Health Survey – The Social and Emotional Wellbeing of Aboriginal Children and Young People* (2005), p 25.

36 Human Rights and Equal Opportunity Commission, *Bringing them home: Report of the National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from Their Families* (1997), p 222–232.

37 C Atkinson-Ryan cited in P Anderson and R Wild, *Ampe Akelyernemane Meke Mekarle 'Little Children are Sacred' Report of the Northern Territory Board of Inquiry into the Protection of Aboriginal Children for Sexual Abuse* (2007), p 67.

38 Aboriginal Justice Advisory Committee, *Speak out, Speak strong* (2003), p5.

39 J Atkinson, *Trauma Trails Recreating Song Lines: The Transgenerational Effects of Trauma in Indigenous Australia* (2002), p 82.

3. Who needs healing?

The theory of intergenerational transmission of trauma; the findings of major reports like *Bringing them home*; the daily realities of abuse, suicide and mental illness, alcohol and substance abuse and sky rocketing incarceration rates among Indigenous communities, all point to the imperative for community wide healing. All Indigenous peoples have been touched by trauma in some way. All Indigenous peoples deserve the opportunity to work through this trauma to heal.

At the same time, specific healing services are needed to attend to the distinct trauma and pain of members of the Stolen Generations. Stolen Generations networks note that due to the past traumas experienced Stolen Generations members are often reluctant to access services that are not dedicated to them and their needs. Consultation projects such as 'Moving Forward' conducted by the Public Interest Advocacy Centre, found that there was a desire amongst some Stolen Generations members for 'a discrete identity within the Indigenous community and recognition of their special needs'.⁴⁰

Partly this can be attributed to the poor targeting and implementation of services for Stolen Generations members. For instance, evidence was given to the Senate Inquiry into Stolen Generations in 2000 that some of the funding for counselling, family and parenting support programs for Stolen Generations was directed to mainstream services instead.⁴¹

There are good reasons for supporting dedicated services for Stolen Generations. However, if we are serious about healing, it cannot stop with the Stolen Generations, because the trauma does not stop with the Stolen Generations. We have learnt that tightly targeted specialist services like Bringing Them Home counsellors barely scratch the surface of need and have their excellent work undermined when clients are faced with partners, families and communities who also need healing. The challenge is to develop inclusive and holistic healing approaches that have the capacity to assist members of the Stolen Generations, as well as their families and communities.

Finally, healing is not just about Indigenous peoples. Healing is part of reconciliation. It is not about attributing blame or a 'black arm band' view of history but honestly facing up to the mistakes of the past and acknowledging our shared history and shared future. The National Apology was an important step in recognition, healing and reconciliation. In his Sydney Peace Prize lecture, Patrick Dodson, one of the leaders of the reconciliation movement in Australia stated:

With the National Apology the nation has been given a wonderful opportunity to begin to make justice possible not only for the Aboriginal people but for all the people of this nation. Justice denied one group within the nation is a diminishment of us all and the nation will remain diminished until the wrong is righted.⁴²

Commentators such as Gregory Phillips have noted the need for a truth and reconciliation process, similar to South Africa or Canada. This would enable both perpetrators and survivors of the forced removal policies to share their stories, and generate wide community acknowledgement for trauma and harm that occurred. This could be an important aspect of non-Indigenous healing, moving towards reconciliation.⁴³

40 A Cornwell, *Moving forward: Achieving reparations Interim Report*, Public Interest and Advocacy Centre (2001), p 4. At http://www.piac.asn.au/publications/pubs/interim_20010801.html (viewed 1 December 2008)

41 Senate Legal and Constitutional Affairs Committee, Parliament of Australia, *Healing: a legacy of generations* (2000).

42 P Dodson, *In Search of Change, Robed in Justice*, (Speech delivered upon acceptance of the Sydney Peace Prize, Sydney, 5 November).

43 G Phillips, *What is healing? – Appropriate public policy responses* (paper for the FaHCSIA Indigenous Healing Forum Canberra, 16–17 September 2008), p 2.

Broader Australian society must also deal with questions around history, identity and justice to heal. This means coming to terms with past policies but also current policies to ensure the mistakes of the past are never repeated and Indigenous peoples have equal life chances.

4. Healing and the principles of reparation

Part of healing is making things right and 'restoring the balance where wrong has been done'.⁴⁴ The *Bringing them home* report put careful consideration into how to achieve this, recommending a package of reparations to facilitate healing for Stolen Generations. Recommendation 3 states:

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.⁴⁵

The van Boven principles are also called the 'Basic Principles and Guidelines on the Rights to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law'.⁴⁶ They are a combination of agreed international human rights standards that articulate the requirements for an effective remedy or reparation through restitution, compensation and rehabilitation. These principles also fit with an understanding of what needs to happen for healing to occur in response to human rights violations. The *Bringing them home* report was clear about how these principles could be put into practice:

- *Acknowledgement and apology* was cast as the first step in healing, recommending the federal and state and territory parliaments as well as other relevant institutions like Churches, police forces etc formally apologise.
- *Guarantees against repetition* included recommendations to establish the Indigenous Child Placement Principles, community education and incorporation of the Genocide Convention into Australian law.
- *Measures of restitution* included recommendations to establish family tracing and reunion services, language and cultural centres and protection of historical records.
- *Measures of rehabilitation* included recommendations for therapeutic services like counselling.

44 G Phillips, 'Healing and Public Policy' in J Altman and M Hinkson (eds), *Coercive Reconciliation* (2007), p 149.

45 Human Rights and Equal Opportunity Commission, *Bringing them home: Report of the National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from Their Families* (1997), p 651.

46 The van Boven Principles were adopted by the General Assembly of the United Nation on 16 December 2005, *Basic Principles and Guidelines on the Rights to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law*, GA Resolution 60/147, (2005). At <http://daccessdds.un.org/doc/UNDOC/GEN/N05/496/42/PDF/N0549642.pdf?OpenElement> (viewed at 28 January 2009) For a more detailed discussion of the van Boven Principles in relation to Indigenous Australians see Aboriginal and Torres Strait Islander Social Justice Commissioner, *Social Justice Report 2000*, Human Rights and Equal Opportunity Commission (2000).

- *Monetary compensation* was recommended to be paid to all Stolen Generations members for damages.⁴⁷

Importantly, these measures need to be seen as complementary and implemented as a whole.

[C]ompensation, while vital, is only one aspect of reparations...all components of reparations, as set out in the *Bringing them home* report, are 'inextricably linked, and all are required if there is to be an effective model of healing' for those affected by the forcible separation policies. Further, all the recommendations in the *Bringing them home* report, 'need to be implemented, fully and holistically and with attention to additional needs identified over the past decade'.⁴⁸

It is encouraging to see that some of these principles have been put in place, but there are still glaring omissions in the form of lack of monetary compensation and inadequate measures of rehabilitation, restitution and guarantees against repetition.

The Commission noted in its submission to the Senate Standing Committee on Legal and Constitutional Affairs on the Stolen Generations Compensation Bill 2008:

Since *Bringing them home* was released in 1997, both State and Federal governments have implemented a number of responses to its recommendations. In particular, new funding and programs have been introduced for organisations such as Link-Up; mental health counselling; family reunion services; parenting support programs; programs to preserve Indigenous languages and culture; oral history recordings; and for the archiving of records. Parliamentary apologies have also now been made in every State and Territory, and in the Federal Parliament.

Despite this progress, a number of the recommendations of the *Bringing them home* report are yet to be implemented. There is also evidence that measures which governments have taken to implement the recommendations of *Bringing them home* have sometimes been inadequate.⁴⁹

The inadequacy of rehabilitation services has been well documented. In 2000 a Senate Inquiry into the implementation of the recommendations of the *Bringing them home* report found that the 'practical assistance' measures were not reaching members of the Stolen Generations and recommended independent evaluation of the progress of all *Bringing them home* report recommendations to ensure they are met.⁵⁰ In 2007 the Urbis and Keys Young *Evaluation of the Bringing Them Home and Indigenous Mental Health Programs* also confirmed that adequate services were not reaching members of the Stolen Generation. They found that Link-Up and Bringing Them Home counselling programs are chronically under-resourced for their high workloads.⁵¹

Similarly, there have concerns about child removals in the context of child protection and juvenile justice. While formal mechanisms like the Indigenous Child Placement Principle have been established in all jurisdictions, it is hard to have firm confidence in

47 Human Rights and Equal Opportunity Commission, *Bringing them home: Report of the National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from Their Families* (1997), ch 14.

48 *National Sorry Day Committee Supplementary Submission 43a*, p 2 cited in Standing Committee on Legal and Constitutional Affairs, Parliament of Australia, *Stolen Generation Compensation Bill 2008* (2008) 3.74. At http://www.aph.gov.au/senate/committee/legcon_ctte/stolen_generation_compensation/report/c03.htm (viewed 1 December 2008).

49 Human Rights and Equal Opportunity Commission, Submission to the Senate Standing Committee on Legal and Constitutional Affairs on the Inquiry into the Stolen Generation Compensation Bill 2008 (9 April 2008) pars 6–7 At http://humanrights.gov.au/legal/submissions/2008/080409_compensation.html (viewed 1 December 2008).

50 Senate Legal and Constitutional Affairs Committee, Parliament of Australia, *Healing: a legacy of generations* (2000).

51 A Wilczynski, K Reed-Gilbert, K Milward, B Tayler, J Fear and J Schwartzkoff, *Evaluation of Bringing Them Home and Indigenous Mental Health Programs*, Report prepared by Urbis and Keys Young for the Office of Aboriginal and Torres Strait Islander Health, Department of Health and Ageing (2007), p 70.

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guarantees against repetition when nationally only 62% of all Indigenous children are placed in accordance with this principle.⁵²

However, there is concern that even these figures may not accurately reflect the real incidence of Indigenous children placed with Indigenous carers. For instance, in a recent Australian Human Rights Commission submission on a national framework for children protection, we noted an example from NSW:

Even though the NSW government's report to the commission inquiry [Special Commission of Inquiry into Child Protection Services in NSW] identified that '85% of Aboriginal children (are placed) in accordance with the Aboriginal Placement Principles, the Department of Community Services noted that 'what that figure mentions is compliance with a process rather than Aboriginal children in placements with Aboriginal carers, either authorised foster carers or authorised kinships or relative carers'.⁵³

This low compliance rate can be attributed to Department of Community Services workers not sufficiently investigating the cultural background of children and appropriate placements. Because of this lack of investigation, in some cases the Courts don't even know that a child is Indigenous so there is no chance of culturally secure placement.⁵⁴

The Special Commission of Inquiry into Child Protection Services in New South Wales in 2008 found that Aboriginal communities remain over represented in the child protection system and that there was a lack of culturally appropriate interventions for Aboriginal children, young people and their families among agencies.⁵⁵ The Commission recommended:

Recommendation 11.5 – DoCS should develop Guidelines for staff in order to ensure adherence to the Aboriginal and Torres Strait Islander Child and Young Person Placement Principles in s.13 of the *Children and Young Persons (Care and Protection) Act 1998*.⁵⁶

More worrying, the number of Indigenous children under child protection orders is still unacceptably high, with Indigenous children being 6 times more likely to be under a care order than a non-Indigenous child.⁵⁷

Juvenile detention is the other form of contemporary separation from family and community. Nationally Indigenous children are 23 times more likely to be in detention than non-Indigenous children.⁵⁸ On any given day, Indigenous children and young

52 Australian Institute of Health and Welfare, *Child Protection Australia 2005–2006*, Child Welfare Series Report No. 40 (2007), p 70.

53 Human Rights and Equal Opportunity Commission, *Submission to the Department of Families, Communities and Indigenous Affairs on the Discussion Paper 'Australia's children: safe and well – a national framework for protecting Australia's children'* (14 July 2008), par 90.

54 Human Rights and Equal Opportunity Commission, *Submission to the Department of Families, Communities and Indigenous Affairs on the Discussion Paper 'Australia's children: safe and well – a national framework for protecting Australia's children'* (14 July 2008), par 91.

55 Hon James Wood AO QC, *Report of the Special Commission of Inquiry into Child Protection Services in NSW* (2008) p iv At [http://www.lawlink.nsw.gov.au/lawlink/Special_Projects/ll_splprojects.nsf/vwFiles/Report_Executive_Summary_Recommendations.pdf/\\$file/Report_Executive_Summary_Recommendations.pdf](http://www.lawlink.nsw.gov.au/lawlink/Special_Projects/ll_splprojects.nsf/vwFiles/Report_Executive_Summary_Recommendations.pdf/$file/Report_Executive_Summary_Recommendations.pdf) (viewed 1 December 2008).

56 Hon James Wood AO QC, *Report of the Special Commission of Inquiry into Child Protection Services in NSW* (2008) p xxiv – xxv. At [http://www.lawlink.nsw.gov.au/lawlink/Special_Projects/ll_splprojects.nsf/vwFiles/Report_Executive_Summary_Recommendations.pdf/\\$file/Report_Executive_Summary_Recommendations.pdf](http://www.lawlink.nsw.gov.au/lawlink/Special_Projects/ll_splprojects.nsf/vwFiles/Report_Executive_Summary_Recommendations.pdf/$file/Report_Executive_Summary_Recommendations.pdf) (viewed 1 December 2008).

57 Australian Institute of Health and Welfare, *Child Protection Australia 2005–2006*, Child Welfare Series Report No. 40 (2007), p x.

58 Steering Committee for the Review of Government Service Provision, *Overcoming Indigenous Disadvantage: Key Indicators 2007*, Productivity Commission (2007), p 46.

people make up about half the juvenile detention population nationally⁵⁹ and up to 90% in the Northern Territory.⁶⁰

The issues of over representation in child protection and juvenile detention are indicative of the failure of piecemeal attempts to tackle problems of Indigenous disadvantage without getting the systemic and structural foundations right. If we are to bring these rates down we need to be seriously looking at the transmission of transgenerational trauma and embracing reparations and community wide healing.

5. Healing, reparation and compensation

The *Bringing them home* report recommended monetary compensation to achieve reparation and healing for the Stolen Generations, their families and communities. There is a clear link between the process of healing and forms of acknowledgement of wrong doing though apology and compensation.

Since the *Bringing them home* report, there has also been considerable consultation and debate on the issue of monetary compensation. Text Box 2 briefly outlines the recent key events in claims for monetary compensation, including Senate inquiries, important legal cases and state based schemes. Three of the state based compensation schemes are not Indigenous specific but some Stolen Generations members are eligible, if they can prove a reasonable likelihood that they experienced institutional abuse or neglect while in government care. Schemes to repay stolen wages are also applicable given the large number of Stolen Generations members who were placed in work situations where the wages were kept from them.

Text Box 2: Key events in claims for compensation for the Stolen Generations

<p>31 July 1997</p>	<p>High Court of Australia dismisses the case of <i>Kruger v Commonwealth</i>,⁶¹ the first case to be heard in the High Court that challenged the constitutional basis of forcible removal policies of Indigenous children.</p> <p>Alec Kruger’s case claimed that the Northern Territory Ordinance under which Indigenous children were removed from their families was invalid because it violated a number of rights (explicit and implied) in the <i>Constitution</i>. He also claimed that the Ordinance was an instrument of genocide and was therefore unlawful.</p> <p>The High Court found that the territories power in the <i>Constitution</i> (s122) could be exercised by the Commonwealth without regard to the rights of Australians living in the territories, and therefore the Ordinance was valid. It also found that the intent of the Ordinance was not to destroy Aboriginal peoples, and so was not an instrument of genocide – regardless of its impact.</p>
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59 Australian Institute of Health and Welfare, *Juvenile Justice in Australia 2006–2007*, Juvenile Justice Series No. 4 (2008), p 45.

60 Australian Institute of Health and Welfare, *Juvenile Justice in Australia 2006–2007*, Juvenile Justice Series No. 4 (2008), p 52.

61 *Kruger v Commonwealth* (1997) 190 CLR 1.

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<p>11 August 2000</p>	<p>Federal Court dismisses the cases of <i>Cubillo v Commonwealth</i>, an important test case for Stolen Generations compensation. Justice O’Loughlin noted inbuilt barriers to successful Stolen Generations litigation including:</p> <ul style="list-style-type: none"> ▪ availability of critical evidence; ▪ loss and destruction of records; ▪ difficulties in establishing the onus of proof with the passage of time; and ▪ the frailty, illness and death of key witnesses for the defendant.⁶²
<p>November 2000</p>	<p>Senate Legal and Constitutional Committee inquiry into the implementation of the <i>Bringing them home</i> report releases its report: <i>Healing: a legacy of generations</i>. The report recommends the establishment of a reparations tribunal based on the model proposed by the Public Interest Advocacy Centre (PIAC).⁶³ PIAC proposed the tribunal would:</p> <ul style="list-style-type: none"> ▪ be established by state and federal laws; ▪ would not consider questions of legal liability, only eligibility for reparations; ▪ would be open to individual, families, groups and communities affected by forcible removals; ▪ would consist of a hearing process to determine eligibility but also offer the opportunity to have their story heard and acknowledged; and ▪ would offer reparations in the form of counselling, money for family reunions and monetary compensation for individuals, while groups might receive funds for community programs to facilitate healing.⁶⁴
<p>May 2002</p>	<p>The Queensland Government offers \$55.4 million in reparations for wages stolen between 1890 to 1972. The offer included:</p> <ul style="list-style-type: none"> ▪ \$4000 to each person alive on 9 May 2002, who was subject to government controls over their wages or savings and who was born on or before 31 December 1951; and ▪ \$2000 to each person alive on 9 May 2002, who was subject to government controls over their wages or savings and who were born between 1 January 1952 and 31 December 1956.

62 *Cubillo and Another v Federal (No. 2)* (2000) FCA 1084.

63 Senate Legal and Constitutional Affairs Committee, Parliament of Australia, *Healing: a legacy of generations* (2000).

64 A Cornwell, *Moving forward: Achieving reparations Interim Report*, Public Interest and Advocacy Centre (2001), p 8–9. At http://www.piac.asn.au/publications/pubs/interim_20010801.html (viewed 17 October 2008).

	<p>The scheme was criticised due to the inadequate level of financial reparation, lack of consultation with Indigenous communities, the inability of descendants to claim and the scope of indemnity sought by the Queensland government.⁶⁵</p> <p>By March 2008 \$35.87 million was unspent as many eligible claimants refused to agree to the terms of the offer, so a second round of payments was offered. These are top up payments of:</p> <ul style="list-style-type: none"> ▪ \$3000 to people who received a \$4000 payment; and ▪ \$1500 to people who received a \$2000 payment. <p>Applications close 30 April 2009.</p> <p>The remaining \$15 million will be placed in the Queensland Aboriginal and Torres Strait Islander Foundation to provide scholarships to Indigenous students.</p>
<p>July 2003</p>	<p>Tasmania announces a Redress scheme to compensate former wards who have experienced abuse whilst in care.</p> <p>Applicants may be granted ex-gratia payments of up to \$60 000 in the first three rounds of compensation. Applicants must have been aged 18 or older on July 11, 2003.</p>
<p>December 2004</p>	<p>Following NSW Government's apology for the stolen wages under the <i>Aborigines Protection Act 1909</i> (NSW) and subsequent laws until 1969, the NSW Government announces an Aboriginal Trust Fund Repayment Scheme (ATFRS).</p> <p>The ATFRS is not compensation but is an evidence based process which finds out how much money was put into the individual's trust fund and never repaid. If money is found to be owed it is repaid in full and indexed to the current value.</p> <p>Applicants:</p> <ul style="list-style-type: none"> ▪ May be either direct claimants or descendants; ▪ Must apply before June 2010 (a two year extension of the deadline).
<p>18 October 2006</p>	<p>The first Stolen Generations compensation scheme in Australia is set up in Tasmania by the <i>Stolen Generations of Aboriginal Children Act 2006</i> (Tas).</p> <p>Applicants:</p> <ul style="list-style-type: none"> ▪ May be either direct claimants or descendants ▪ May be awarded \$5 000 per descendant with a cap of \$20 000 per family for descendants. Direct claimants will be made up from the balance of the fund after descendants' claims have been finalised.

65 Social Justice Commissioner Dr William Jonas, *Statement by Dr William Jonas AM on the Qld 'stolen wages' issue* (2002). At http://www.hreoc.gov.au/social_justice/stolen_wages.html (viewed 16 January 2009).

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	<p>Applications were open for six months from the commencement of the Act on 15 January 2007. A total of 151 claims were received, with 106 eligible for payment. 84 Stolen Generations members received \$58,333.33 each and 22 descendants either \$5000 or \$4000 each depending on how many people were within the particular family group.⁶⁶</p>
7 December 2006	<p>Senate Legal and Constitutional inquiry into stolen wages releases its report <i>Unfinished Business: Indigenous Stolen Wages</i> documenting many of the barriers faced by stolen wages claimants.</p> <p>The report recommended better access to archives and research, modifications to the Queensland scheme and research and consultation in other Australian states and territories to determine whether stolen wages compensation is needed, and if so develop a scheme based on the NSW model.⁶⁷</p>
May 2007	<p>Western Australian Government announces a Taskforce to conduct consultations and prepare policy options to address stolen wages. A report was been submitted to Cabinet in June 2008.</p>
1 August 2007	<p>South Australian Supreme Court rules in favour of Bruce Trevorrow in a landmark case to find that he was unlawfully and falsely imprisoned as a member of the Stolen Generations. Mr Trevorrow is awarded \$525 000 in compensation.⁶⁸</p>
1 October 2007	<p>In response to the Forde Inquiry into abuse of children in institutions the Queensland government opens applications for the <i>Redress Scheme</i> to provide ex gratia payments to children who have suffered abuse in State Care.⁶⁹</p> <p>In July 2008 the scheme was extended to dormitories on the Aboriginal reserves of Barambah/Cherbourg, Palm Island, Taroom, Woorbinda, Deebing Creek/ Purga, Yarrabah and Mapoon, enabling Aboriginal peoples who were housed in these dormitories and suffered institutional abuse or neglect to apply.</p>

66 Office of the Stolen Generations Assessor, *Stolen Generations of Aboriginal Children Act – Report of the Stolen Generations Assessor*, Department of Premier and Cabinet (2008), p 2. At http://www.dpac.tas.gov.au/_data/assets/pdf_file/0004/53770/Stolen_Generations_Assessor_final_report.pdf (viewed 16 January 2009).

67 Senate Standing Committee of Legal and Constitutional Affairs, Parliament of Australia, *Unfinished Business: Indigenous stolen wages* (2006) pars 8.23–8.28.

68 *Trevorrow v. State of South Australia (No 5)* (2007) SASC 285. Other documented cases can be found in C Cunneen and J Grix, 'Chronology of the Stolen Generations Litigation 1993–2003' (2003) 17 *Indigenous Law Bulletin*. At <http://www.austlii.edu.au/au/journals/ILB/2003/17.html> (viewed 21 January 2009).

69 Other responses to the Forde Inquiry have included an apology to people abuse in state care and the establishment of the Forde Foundation Trust Fund. The Forde Foundation Trust Fund provides grants to former residents to help them overcome the disadvantages they now experience as a result of childhood treatment that affected their education, employment, health and general well being. These are small grants for things like education costs, personal computers, dental services and personal development services. This is not restricted to people who suffered institutional abuse and neglect and grants from the Foundation are not regarded as compensation.

	<p>Applicants:</p> <ul style="list-style-type: none"> ▪ Must lodge between 1 October 2007 and 30 June 2008. ▪ Sign a deed of release to prevent further legal action. ▪ May be awarded \$7 000 for ‘first level’ payments and up to \$40 000 (including first level payment) for more serious abuse as assessed by a panel of experts. <p>The Forde Foundation has a grants program, through which former residents are able to access services or items such as family reunification, education, training and personal development, health and dental care and other items or services to facilitate improve their quality of life.⁷⁰</p>
<p>17 December 2007</p>	<p>Western Australian government announces a <i>Redress Scheme</i> to provide ex gratia payments for children who have suffered harm in State Care. Claims may only be brought by direct claimants.</p> <p>Applicants:</p> <ul style="list-style-type: none"> ▪ Must lodge between 1 May 2008 and 30 April 2009. ▪ Sign a deed for release to prevent further legal action against the government of Western Australia. ▪ May be awarded \$10 000 for a ‘reasonable likelihood’ of abuse and/ or neglect in State care and up to \$80 000 if they can provide medical and/ or psychological evidence of abuse and/ or neglect in State care.
<p>4 February 2008</p>	<p>The Tasmanian Premier announced that the redress scheme for children abuse in care will be re-opened for a period of three months.</p> <p>The scheme is for those who were in ‘care’ in Tasmania and who missed out on the original review in 2004/2005. The re-opening will allow for a fresh look at cases of those who would have qualified for consideration under the previous scheme but did not apply for legitimate reasons.</p> <p>The eligibility requirements were as per the previous scheme.</p>
<p>June 2008</p>	<p>The Standing Committee of Legal Constitutional Affairs into the Stolen Generation Compensation Bill 2008 recommends that the Bill should not proceed.</p> <p>The Committee notes the majority of support for monetary compensation but is:</p> <p style="padding-left: 40px;">[M]indful of the strong arguments that monetary compensation is only one component of reparations... and considers a holistic, nationally consistent approach is the most appropriate means of addressing the specific needs of members of the Stolen Generations and of actively promoting an effective model of healing.⁷¹</p> <p>The committee recommends the Australian Government establish a National Indigenous Healing Fund.</p>

70 Queensland Government, *Redress Scheme – Support and Services*, <http://www.communities.qld.gov.au/community/redress-scheme/support-services.html> (viewed 1 December 2008).

71 Senate Standing Committee of Legal and Constitutional Affairs, Parliament of Australia, *Stolen Generation Compensation Bill 2008* (2008) pars 3.121–3.122.

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There have been positive steps towards compensation and reparation, exemplified by the Tasmanian government's compensation package for Stolen Generations members. But this action is unfortunately the exception to the rule.

Even the generalised redress schemes in Queensland and Western Australia stop short of acknowledging the specific harm done to the Stolen Generations. Further, there are unresolved legal questions as to whether recipients under the redress scheme are prevented from pursuing other litigation or compensation for forcible removal issues.

The objective of achieving compensation still needs to be taken forward because it is so intrinsically linked to a holistic view of reparations and healing. The Australian Human Rights Commission continues to actively advocate for these measures. Most recently the Australian Human Rights Commission made a submission and gave evidence in favour of monetary compensation at the Inquiry into the Stolen Generation Compensation Bill. It argued that:

The failure to adequately compensate Indigenous people who were removed from their families and communities remains a significant human rights issue in Australia⁷²

The Commission recommended that the Bill be passed. The submission also commended the Bill for allocating funding to healing centres as a 'collective approach to redress in recognition of the harm suffered by whole families and communities affected by past laws and practices'.⁷³ At the same time the submission cautioned that 'healing programs should in no way be construed as an alternative to mechanisms for financial compensation'.⁷⁴

There are important reasons for advancing the issues of therapeutic and cultural community healing services separately from the issue of compensation. One compelling reason for advancing healing and compensation separately, is that broad sections of the Indigenous community desperately need access to healing services, not just Stolen Generations members. Approaching the two issues separately will facilitate healing services being provided for a broader part of the community as soon as possible.

This was echoed at the FaHCSIA Indigenous Healing Forum where participants emphasised the need for a clear delineation between healing and compensation.

However, it is also not ideal to have compensation without healing services. The experience of Canada will be discussed further in Part 4 but it is clear from the Canadian experience that compensation without healing opened up old wounds and often left recipients in situations where they were vulnerable to financial abuse.⁷⁵

Indigenous peoples participating in the WA Redress Scheme have also reported being retraumatised as a result of going through the process for claiming compensation. In such circumstances, it is crucial that compensation claimants have access to support services and healing programs to ensure that they are able to manage the process in a way that provides closure, not re-traumatisation.

72 Human Rights and Equal Opportunity Commission, *Submission to the Senate Legal and Constitutional Affairs Committee on the Inquiry into the Stolen Generation Compensation Bill 2008* (9 April 2008), par 2.

73 Human Rights and Equal Opportunity Commission, *Submission to the Senate Legal and Constitutional Affairs Committee on the Inquiry into the Stolen Generation Compensation Bill 2008* (9 April 2008), par 26.

74 Human Rights and Equal Opportunity Commission, *Submission to the Senate Legal and Constitutional Affairs Committee on the Inquiry into the Stolen Generation Compensation Bill 2008* (9 April 2008), par 26.

75 M Dion Sout and R Harp, *Lump Sum Compensation Payments Research Project: The Circle Rechecks Itself*, Aboriginal Healing Foundation (2007), p xii. At http://www.ahf.ca/pages/download/28_13247 (viewed 24 October 2008).

Part 3: Examples of healing programs in Australia

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Definitions and theory around healing are an important foundation for understanding healing but real examples provide an extra dimension that show how healing actually works. This section will briefly profile a small selection of healing programs to illustrate what healing looks like in practice and some of the positive impacts in the lives of Indigenous individuals and communities. A more extensive list of healing programs reported from our consultations can be found at Text Box 7.

This is not the first time that I have profiled promising practices in healing. The *Social Justice Report 2007* looked in depth at some promising healing programs related to family violence and child protection.⁷⁶ The *Social Justice Report 2004* examined some healing programs for Indigenous women exiting prison.⁷⁷ Given this previous research, this section will only very briefly outline a few examples of healing approaches in order to illustrate the breadth of healing work that is already taking place in Australia.

Another way of understanding the different examples of healing programs is looking at them through the ‘three pillars’ of healing that have been developed by the Canadian Aboriginal Healing Fund. The three pillars are:

- reclaiming history;
- cultural interventions; and
- therapeutic healing’.⁷⁸

These three categories are not always mutually exclusive but do help distinguish between healing approaches and other social and emotional and therapeutic models.

Reclaiming history involves learning about the impact of specific events in history such as forcible removals, and allowing individuals to understand their experiences and trauma in a broader social context. These approaches:

[R]educe self blame, guilt and isolation. Understanding history can be both a catalyst for healing as well as pave the way for mourning what was lost – a recognized stage in the trauma recovery process.⁷⁹

Examples of reclaiming history approaches are oral history projects that document the experience and history of the Stolen Generations and commemoration and memorial activities that mark the losses of the Stolen Generations.

Arguably the first step in reclaiming the history and healing for many Stolen Generations members was telling their stories to the National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from Their Families and seeing these stories acknowledged and valued in the *Bringing them home* report. Text Box 3 outlines another Australian Human Rights Commission project that gives voice to the experiences of Stolen Generations members to reclaim history on the occasion of the ten year anniversary of the *Bringing them home* report.

76 Aboriginal and Torres Strait Islander Social Justice Commissioner, *Social Justice Report 2007*, Australian Human Rights Commission (2007), p 21–179.

77 Aboriginal and Torres Strait Islander Social Justice Commissioner, *Social Justice Report 2004*, Australian Human Rights Commission (2004), p 57–65.

78 L Archibald, *Final Report of the Aboriginal Healing Foundation, Volume III: Promising Healing Practices in Aboriginal Communities*, Aboriginal Healing Foundation (2006), p 16.

79 L Archibald, *Final Report of the Aboriginal Healing Foundation, Volume III: Promising Healing Practices in Aboriginal Communities*, Aboriginal Healing Foundation (2006), p 16.

Text Box 3: Reclaiming history: *Us Taken Away Kids*

In December 2007 the Australian Human Rights Commission launched *Us Taken Away Kids*, a magazine to commemorate the 10 year anniversary of the *Bringing them home* report.

When it was launched I noted the important connection between story telling and healing:

The story-telling tradition of our peoples is one of the great strengths of our cultures. It contributes to our resilience as peoples as it has throughout millennia.

But we don't tell stories for the sake of it.

For the stolen generations, story telling is an indispensable part of both recognising the suffering of the past and its impact into the present; and of creating the basis for the journey of healing to begin.⁸⁰

Us Taken Away Kids tells the stories of the Stolen Generations, by the Stolen Generations. It contains the stories, poems, artwork and photos of the stolen generations and reflects on life in foster-care and homes, trauma and loss, discovering family and identity and healing, in a way that reclaims the history and reaffirms resilience.

Cultural interventions are activities 'that engage people in a process of recovering and reconnecting with their culture, language, history, spirituality, traditions and ceremonies to reinforce self-esteem and a positive cultural identity'.⁸¹ Examples of cultural interventions in Australia are:

- Link-Up programs that help Stolen Generations members reunite with family members and culture;
- programs that help connect young people with Elders to learn about culture and law;
- language preservation and renewal programs; and
- programs that help individuals and communities maintain links to country.

Text Box 4 provides some examples of culturally based healing programs around Australia.

Text Box 4: Cultural interventions

Yorgum Healing Centre Grandmother's Group

Yorgum Healing Centre in Perth provides counselling and healing services to Aboriginal victims of family violence and sexual assault. One of the innovative cultural interventions run by Yorgum is the Grandmother's Group which links Indigenous young peoples with Elder women.

80 T Calma, *Essentials for Social Justice: Sorry*, (Speech delivered at the launch of *Us Taken Away Kids*, Sydney, 11 December 2007). At http://www.humanrights.gov.au/about/media/speeches/social_justice/2007/essentials_sorry20071211.html (viewed 31 October 2008).

81 L Archibald, *Final Report of the Aboriginal Healing Foundation, Volume III: Promising Healing Practices in Aboriginal Communities*, Aboriginal Healing Foundation (2006), p 16.

The Grandmothers group has a dual purpose of allowing Elder women to share their knowledge and culture and keep active in the community, as well as providing nurturing to the younger generation. This group helps build community and intergenerational connection by keeping family and culture alive.

Balunu cultural camps

Balunu cultural camps are run by the Balunu Foundation in Darwin. The camps target 'at risk' Indigenous young peoples. Young people are taken on country to remote cultural camps where they learn about traditional culture and law from Elders and program workers. This knowledge is used to build self respect and respect for others.

Anecdotally, some of the young people have achieved good results and made real improvements to their lives. A recent evaluation by the Menzies School of Medicine has shown improvement in the life quality of participants in the cultural camps.

Tirkandi Inaburra Cultural and Development Centre

Tirkandi Inaburra is an Aboriginal community controlled early intervention centre in Coleambally, Central Southern NSW that provides a culturally based residential program for Indigenous boys between the ages of 12–15 years. The aim is to reduce the likelihood of Indigenous young people becoming involved with the juvenile justice system.

It is a unique program as it combines cultural awareness activities along with education and support services to strengthen self-worth, resilience and cultural identity.

Tirkandi Inaburra Cultural and Development Centre was a finalist in the 2008 Indigenous Governance Awards in recognition of their good work over the past two years.

Therapeutic healing includes a combination of traditional and Western therapies to help individuals and communities recover from trauma. The success of these approaches seems to be the melding of cultural interventions and therapeutic work to facilitate healing. Some examples of therapeutic healing are:

- yarning circles;
- individual counselling;
- group therapy programs;
- men's and women's groups;
- community wide healing circles;
- traditional ceremonies and nangkari (traditional healer); and
- residential programs and retreats.

These approaches are commonly adapted to target a wide range of different groups needing healing including:

- Stolen Generations members;
- young people who have experienced abuse or family violence;
- women and other victims of family violence and sexual assault;
- people involved in the criminal justice system; and
- people with alcohol and other drug issues.

Text Box 5 highlights a few examples of therapeutic healing models.

Text Box 5: Therapeutic healing

Community Capacity Building Program in Kalumburu

In 2007 16 men and boys were arrested on sexual assault charges, devastating the remote community of Kalumburu in the Kimberleys. To initiate healing, the community approached Professor Atkinson to work with them. The project has been funded by the Australian Government.

Professor Judy Atkinson and her team from the Collaborative Indigenous Research Centre for Learning and Educare (CIRCLE) at Gnibi College of Indigenous Australian Peoples, Southern Cross University have commenced a two year program of community healing and capacity building through a series of workshops.

Professor Atkinson's healing work with Kalumburu is based on her ideas around transgenerational transmission of trauma and previous work with other Indigenous communities. Importantly, it is based on consultation and finding out how the community is coping and what they want to get out of the healing process.

It is a slow process of building trust and creating a safe place for people to share stories of abuse and hopes for the future. This safe place is a healing circle, embodying connection and inclusion of strong Indigenous community models.

The healing circle utilises therapeutic individual and group tools that allow participants to tell their stories through:

- narrative therapy;
- making sense of the stories by 'feeling the feelings' through emotional release and 'body work' like massage, and relaxation methods;
- reclaiming culture; and
- art and music therapy.

To achieve longer term goals, community capacity development is intrinsic to healing. This involves building the confidence and strengths of individuals and community that can support the healing process when Professor Atkinson and her team have gone.⁸²

Red Dust Healing

Red Dust Healing is a cultural healing program developed by Tom Powell and Randal Ross, experienced Indigenous workers, delivered through group sessions and individual case management and support systems.

The Red Dust Healing program deals with areas significant to healing including; identity; family roles and structure; relationships; Elders roles; men's business; Indigenous history and the impacts of colonialism; drug and alcohol use; family violence; grief and loss; stress and mental health issues; anger management; education and employment; housing issues; and meetings, community contribution and governance.

Red Dust Healing has been run for a wide range of participants, including young people in juvenile detention centres, groups including men and women, high school students and mens' groups. Red Dust Healing has also been adapted for delivery to doctors, police and legal practitioners to increase cultural awareness and explain healing.

82 J Atkin, Communication with Social Justice Unit staff, September 2008.

The cultural and therapeutic elements are strengthened by practical case management and support systems to place the gains made from healing in a socially sustainable context. Each participant develops an individual case plan that will help continue the healing work. This can include referrals to relevant services and a buddy or mentor for informal support.

In some locations, formal links have been made with employment opportunities. For instance, a partnership has been developed with North Queensland Water which has resulted in employment for some participants. To date, around 156 participants have completed the program. Participant feedback has shown some powerful positive outcomes.⁸³

Gamarada Men's Group

Gamarada is an example of a strong men's group taking up the issue of healing and life skills development. Men's groups have gained increasing support in Indigenous communities and are now seen as a powerful way for Indigenous men to look at issues of healing and identity.⁸⁴

Gamarada, meaning 'comrades or friends' in the Gadigal language, is based in Redfern, NSW and is a 10 week group program that incorporates traditional Indigenous culture and healing with Eastern methods of self healing and self control.

While most group programs are based around 'talking therapies', Gamarada teaches participants practical skills as well, like relaxation, breathing, visualisation exercises and awareness in connection to Indigenous spiritual concepts like Dadirri (deep listening and quiet stillness) and anger management or as it is termed in Gamarada 'non-reaction' techniques. The program shows participants how they can apply these skills in their own life and discuss issues like anger management, substance use and family violence.

Gamarada coordinator Ken Zulumovski says funding and administrative support is crucial to the sustainability and expansion of the Gamarada program and others like it. There are hundreds of men who are beginning to look to the Gamarada model for support and daily enquiries from community and government services are adding to the list. These men and their boys sometimes pass up mainstream services to opt for something cultural.

Gamarada also creates a great opportunity to encourage and educate the men and return their families about the importance of regular health checks with their GP. This is fundamental to closing the gap in Aboriginal health and stifling the cycles of poverty that lead to crime, prison and low socio economic status. Ken Zulumovski says:

The Gamarada team are doing the ground work and the Aboriginal and non Aboriginal communities of Redfern and Sydney acknowledge the results but we need significant support. The benefits to the community at large will be ten fold to any financial support received, the research is evident to this. The question around funding shouldn't be if but rather when. We have a dynamic & talented team on the ground with the skills and networks in place and they are ready to do their work.⁸⁵

Another crucial area in the development of healing programs in Australia has been the emergence of appropriate training to skill workers to conduct healing programs. This

83 T Powell, Communication with Tom Calma, Aboriginal and Torres Strait Islander Social Justice Commissioner and Social Justice Unit staff, 23 October 2008.

84 For a more extensive discussion of men's groups and case studies see Aboriginal and Torres Strait Islander Social Justice Commissioner, *Social Justice Report 2007*, Human Rights and Equal Opportunity Commission (2007) p 92–113 and p 179–186.

85 K Zulumovski, Communication with Social Justice Unit staff, 26 November 2008.

is still a fledgling area with a small number of Indigenous training modules that explain healing and culturally appropriate responses to trauma. Gregory Phillips argues that:

Many biomedical mental health programs lack understanding of spirituality and how to deal with feelings in their training programs. Even some 'Indigenous' social and emotional well-being centres often are simply delivering a Western diagnostic and treatment regime in an Aboriginal setting.⁸⁶

Text Box 6 captures a few examples of training and education programs that are successfully achieving this.

Text Box 6: Training and education

Murumali

Murumali is a healing model to assist Indigenous and non Indigenous professionals who work with Stolen Generations members and their families. The Murumali healing model was developed by Lorraine Peters, a member of the Stolen Generations, in 2000.

The healing model is holistic and culturally secure. It provides workers with the tools to assist Stolen Generations members along their own path of healing. Different workshops are held for Indigenous and non Indigenous workers to ensure cultural safety and encourage discussion of sensitive issues.

Additional workshops have been developed about risk management and suicide prevention and general awareness of Stolen Generations issues.

Healing workshops have also been run for Stolen Generations and their families, notably Indigenous prisoners. Despite the success of these workshops, the bulk of funding and demand is for training programs for workers.

The Murumali Program is now accredited as a component of Aboriginal Primary Health Care and is a core unit in the Certificate IV and Diploma in Aboriginal and/or Torres Strait Islander Primary Health (Community Stream) – Social and Emotional Wellbeing offered by the Aboriginal Health College.

Over 100 workshops have been run and 1,000 people trained since 2000. The Murumali Program has received good feedback and has been cited as an example of best practice in the *Evaluation of Bringing Them Home and Indigenous Mental Health Programs*.⁸⁷

Gnibi College of Indigenous Australian Peoples, Southern Cross University

The Gnibi College has developed a range of university level courses on Indigenous healing, including the Bachelor of Indigenous Studies: Trauma and Recovery; and Graduate Certificate, Graduation Diploma and Masters in Indigenous Studies: Wellbeing.

These courses provide innovative Indigenous approaches to education, where according to Professor Judy Atkinson, 'the teacher and the taught create the teaching'. This takes place through experiential healing, where participants experience and actively participate in many of the healing processes to develop a broad set of skills and critical reflections that they can take out in their work.

There is an emphasis on engagement with Indigenous communities. Students are encouraged to undertake field placement to develop healing skills and give back to the community.

86 G Phillips, 'Healing and Public Policy' in J Altman and M Hinkson (eds), *Coercive Reconciliation* (2007), p 146.

87 A Wilczynski, K Reed-Gilbert, K Milward, B Tayler, J Fear and J Schwartzkoff, *Evaluation of Bringing Them Home and Indigenous Mental Health Programs*, Report prepared by Urbis and Keys Young for the Office of Aboriginal and Torres Strait Islander Health, Department of Health and Ageing (2007).

Indigenous community members are actively encouraged to participate in the courses and there are pathways for Indigenous community members who may have had little formal education. Because the program is taught from an Indigenous framework and with a greater emphasis on experiential learning than traditional academic assessment, it has been successful in supporting Indigenous students who may have struggled give a previous lack of educational experience.

To date, 45 students have graduated from the Masters program and 37 are currently completing the program.

Red Dust Healing training

Part of increasing the sustainability and reach of the Red Dust Healing program is the training component of the program. Participants are encouraged to become trainers so they can run the program in their own communities and provide mentor support to other participants.

This training requires that individuals attend two blocks of program. The first assists the participants to deal with their own healing issues and familiarise themselves with the program. The second time they take a more active role in the program as mentors and co facilitators under the supervision of the program authors, Tom Powell and Randal Ross.

Participants are left with all the program content and materials and can access additional support from Tom Powell as required.

This training is increasing the number of people who are able to access the program. For instance, an Aboriginal Liaison Officer from Lismore Police has since participated in the training and has now run the program in the local high school.

Gamarada train the trainer

Gamarada also provide a train the trainer component where they encourage participants to gain the skills to run sessions themselves in the community. Of note, one of their graduates, David Leha, a former prisoner, has now gone on to be paid to facilitate a session, 'Anger Management and Healing' for the NSW Department of Corrective Services.

What is common to all of these examples is the necessity to 'heal the healers' before they can go on and effectively help others heal. This means that some of the training and education is outside the mainstream paradigm because it focuses on individual healing. However, as we see in the Gnibi College Programs, Gamarada and Red Dust Healing, this becomes experiential learning that students then take back to their communities and use in their healing and therapeutic work.

Training is also an important element of making these healing programs sustainable. Currently, there are very few people trained in the provision of Indigenous healing services, and this limits the number of locations where such services are available. Increasing the number of people who are able to run these programs and understand the fundamentals of healing ensures that knowledge and skills are not tied up with individuals but become part of the broader community capacity. Healing is not the exclusive domain of health workers, social workers, psychologists and other professionals. Instead, healing can be best achieved when we:

[T]rain the natural helpers (grandmothers, brothers, aunts and parents) in basic suicide prevention, addictions intervention and meaning of healing.⁸⁸

88 G Phillips, 'Healing and Public Policy' in J Altman and M Hinkson (eds), *Coercive Reconciliation* (2007), p 146.

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The development of these skills can lead to individual and broader community healing, and to the provision of a range of healing services and programs across all areas of Australia.

Another common element in all of these practice examples is the centrality of cultural renewal. This comes about in a two pronged way. Firstly, the programs create an environment of cultural safety. Cultural safety, like healing, is one of those terms that is liberally thrown around but often poorly understood. Cultural safety is:

[A]n environment, which is safe for people; where there is no assault, challenge or denial of their identity, of who they are and what, they need. It is about shared respect, shared meaning, shared knowledge and experience, of learning together with dignity, and truly listening.⁸⁹

It is more than accommodating cultural difference; it is about creating a space where culture is respected and valued.

The second component of cultural renewal in these programs is actively celebrating culture and educating program participants in culture. This recognises that many Indigenous peoples may have lost touch with aspects of traditional culture. Learning about traditions can be grounding and a source of pride.

Culture isn't limited to traditions and the past, it is a living, breathing thing. These programs foster identity and pride, dispelling the negative stereotypes that many hold about Indigenous peoples. By giving participants, especially young people, a different way of understanding where they come from, they are actively creating a new culture of pride and possibilities. To this end, it is important to have Indigenous healing programs that are delivered by Indigenous peoples.

These examples also highlight the diversity and complexity of needs that healing can address. Healing by its very nature is holistic and can therefore assist individuals who have multiple and complex needs. Many of the people who participate in healing programs have been in and out of a number of mainstream services. Often it isn't until they attend healing programs that look at the cause, rather than just the symptoms, of their issues, that they make progress.

Text Box 7 below provides a list of healing programs and approaches. Although not comprehensive, it includes examples that have been reported in our consultations for this chapter, as well as other examples from my previous research.

Text Box 7: Examples of healing programs in Australia	
Healing program/ approaches	Description
Bringing Them Home and Indigenous Mental Health Programs (Australian Government – Office for Aboriginal and Torres Strait Islander Health)	<ul style="list-style-type: none"> ▪ <i>Link-Up Program</i> – provides a national network of services supporting and assisting Indigenous peoples affected by past removal policies in tracing their family history and potentially reuniting them with their families.

89 R Williams, 'Cultural Safety – what does it mean for our work practice' (2008) 23(2) *Australian and New Zealand Journal of Public Health*, p 214.

	<ul style="list-style-type: none"> ▪ <i>Bringing Them Home (BTH) Program</i>, which provides counselling to individuals, families and communities affected by past practices regarding the forced removal of children from Indigenous families.
	<ul style="list-style-type: none"> ▪ <i>Social and Emotional Wellbeing (SEWB) Regional Centre (RC) Program</i>, which funds SEWB RCs around Australia to provide professional support to Link-Up and BTH staff as well as other workers, especially mental health workers, to develop, deliver and purchase training, and to conduct activities to support this including developing cross-sector linkages and maintaining information systems. ▪ <i>Mental Health Program</i>, which funds Mental Health Service Delivery Projects in Aboriginal Community Controlled Health Services (ACCHSs) nationally to develop and evaluate culturally appropriate approaches to mental health service delivery.⁹⁰
Central Northern Adelaide Health Service Family and community healing Program	The Family and Community Healing Program addresses family violence by building community capacity to support safe families. It comprises a complex and dynamic set of group activities for Indigenous women, men and youth.
Family Wellbeing Project	The Family Wellbeing Project in Queensland is a community driven group project that aims to heal relationships and build stronger families and communities. It has been evaluated as part of the Empowerment Research Project, a partnership including local community organisations and the Cooperative Research Centre for Aboriginal Health (CRAH).
Seven Phases to Cultural Healing Model	Healing model developed by Indigenous psychologist, Rosemary Wanganeen, to address contemporary social and health issues. Courses are run to enable health workers, social workers and psychologists to use the model in their practice with Indigenous clients.
Rekindling the Spirit	Family centred healing service in Lismore, NSW that addresses the harm of family violence and abuse. ⁹¹

90 A Wilczynski, K Reed-Gilbert, K Milward, B Tayler, J Fear and J Schwartzkoff, *Evaluation of Bringing Them Home and Indigenous Mental Health Programs*, Report prepared by Urbis and Keys Young for the Office of Aboriginal and Torres Strait Islander Health, Department of Health and Ageing (2007), p i.

91 Aboriginal and Torres Strait Islander Social Justice Commissioner, *Social Justice Report 2007*, Human Rights and Equal Opportunity Commission (2007), p 55.

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Yorgum Aboriginal Family Counselling Service	Perth based Indigenous controlled and staffed counselling and community development service assisting victims of family violence, sexual abuse and Stolen Generation members. ⁹²
Western Australian Healing Project	A collection of healing projects run in a variety of urban, rural and remote Indigenous communities aimed at addressing sexual violence. ⁹³
Men's groups	Men's groups are an important healing tool. There are many examples across the country including: <ul style="list-style-type: none"> ▪ Yerli Berko, the Spirited Men Group and Tau Ngaraldi Program;⁹⁴ and ▪ Mount Isa Men's Group run in conjunction with the Mount Isa Murri Court to deal with offending.⁹⁵ ▪ Evaluation and research for support men's groups/ men's sheds is being coordinated by the CRCAN in the Mibbinbah project with sites across Australia.
Yula Panaal Cultural and Spiritual Healing Program	The Yula Panaal Cultural and Spiritual Healing Program is run by Yulawirri Nurai, and is an accommodation facility/ healing centre for Indigenous women exiting the NSW prison system. ⁹⁶

I have started to detail in this chapter the foundations for the healing work that needs to take place among Indigenous communities throughout Australia. These foundations for healing need build on the experiences of trauma experienced by Indigenous peoples, as well as the cultural and spiritual responses to trauma being generated by Indigenous peoples.

Many Indigenous peoples, both individually and collectively, have already started the work of healing in their lives. What is needed now is a national Indigenous healing body, to ensure that the value of the healing work that remains to be done is understood and adequately resourced. The question that people have been deliberating over with regards to this national body is what kind of body it should be, which I will go on to discuss in part five of this chapter.

92 Aboriginal and Torres Strait Islander Social Justice Commissioner, *Social Justice Report 2007*, Human Rights and Equal Opportunity Commission (2007), p 64.

93 Aboriginal and Torres Strait Islander Social Justice Commissioner, *Social Justice Report 2007*, Human Rights and Equal Opportunity Commission (2007), p 69.

94 Aboriginal and Torres Strait Islander Social Justice Commissioner, *Social Justice Report 2007*, Human Rights and Equal Opportunity Commission (2007), p 97, 105.

95 Aboriginal and Torres Strait Islander Social Justice Commissioner, *Social Justice Report 2007*, Human Rights and Equal Opportunity Commission (2007), p 179.

96 Aboriginal and Torres Strait Islander Social Justice Commissioner, *Social Justice Report 2007*, Human Rights and Equal Opportunity Commission (2007), p 64.

Part 4: Learning from the Canadian healing journey

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Australia is not the only country in the world with a history of dispossession and violence towards their indigenous population. But unfortunately, Australia lags behind other comparable countries in the journey to provide redress for historical and contemporary traumas. There is a great deal that Australia can learn from the progress of other countries further down the road of Indigenous healing.

Canada provides an interesting model of healing that points to lessons and strategies that can be applied in the Australian context. Although Canada is not the only country pursuing healing,⁹⁷ it does seem to be the most advanced and thoughtful model of healing at this point of time. Of course, it is not perfect but I believe the limitations of this model also provide crucial lessons for developing a better approach to healing in Australia.

1. Towards healing in Canada

The developments in healing in Canada have emerged in response to the 1996 Royal Commission on Aboriginal Peoples. The Royal Commission covered a broad range of issues relating to Aboriginal peoples and their relationship with the Canadian government. Special urgency was given to addressing the impacts of abuse in residential schools.

Like Australia, generations of Aboriginal children were taken away from their families. In Canada between the 1800s and 1990s, over 130 government funded church run industrial schools, boarding schools and hostels operated for Aboriginal children. Many of these children suffered physical and sexual abuse, as well as the loss of family, community and cultural connection. It is estimated that there are approximately 86 000 survivors of the residential schools alive in Canada today and 287 350 people are estimated to have been intergenerationally impacted.⁹⁸

In 1998 the Canadian government issued a 'Statement of Reconciliation' and the 'Gathering Strength – Canada's Aboriginal Action Plan'. There has been some debate about whether the Statement of Reconciliation constitutes a true apology given that it only apologises for the physical and sexual abuse suffered by children in the residential school system, rather than the entire policy of forcible removals. Much like the Australian situation, the status of the apology remained an open wound for

97 Other countries such as New Zealand and United States have developed healing programs that involve traditional healing methods, combined with Western therapeutic methods. A more detailed examination can be found in: L Archibald, *Decolonization and Healing: Indigenous Experiences in the United States, New Zealand, Australia and Greenland*, Aboriginal Healing Foundation (2006). The *Social Justice Report 2000* gave an overview of the principle of reparations in international law and examples from overseas jurisdictions. This included examples of Indigenous healing initiatives undertaken in other countries such as Canada, New Zealand and South Africa: *Aboriginal and Torres Strait Islander Social Justice Commissioner, Social Justice Report 2000*, Human Rights and Equal Opportunity Commission (2000), p 133–154. In addition to healing programs, reparations models have been established in the wake of internal conflicts and state crimes in the form of truth and reconciliation commissions. South Africa is usually held up as the model for truth and reconciliation commissions but they also exist in Ghana, Liberia, Morocco, Rwanda, Sierra Leone, East Timor, South Korea, Argentina, Chile, El Salvador, Guatemala, Panama, Peru and Fiji.

98 Aboriginal Healing Foundation, *Final Report of the Aboriginal Healing Fund, Summary of Key Points* (2006), p 26.

many, until 11 June 2008, when the Prime Minister of Canada gave an official national apology to former students of Indian residential schools for Canada's role in the Indian residential schools system.

However, part of the Gathering Strength Action Plan was a one-off \$350 million grant for healing programs to address the physical and sexual abuses that occurred in the residential schools. This led to the development of the Aboriginal Healing Foundation.

1.1 Aboriginal Healing Foundation

Three months later, in March 1998, the Aboriginal Healing Foundation (AHF) came into being. The AHF was established as an independent, Aboriginal run corporation separate from government. Subsequent funding allocations have seen the AHF extended until 2012.

In 2000 the AHF also established a charitable organisation, Legacy of Hope, to work in conjunction with AHF and eventually take over operations when the AHF mandate ends.

(a) Aims, representation and governance

Before the Canadian government agreed to fund \$350 million to the AHF, there was intense negotiation with Aboriginal representatives about the scope of the foundation, its representation, governance and accountability. Despite robust advocacy on the part of the founding board members, the government was determined that the healing should be limited to respond only to the legacy of physical and sexual abuse suffered in residential schools, echoing the sentiments of the Statement of Reconciliation. As a concession, the government broadened the scope to include the intergenerational impacts of this physical and emotional abuse.

The AHF developed robust representation and governance structures. The AHF is made up of board of directors of 17 Aboriginal peoples, many of whom are either survivors or family of former residential school students and also represent the main Aboriginal groups across Canada. The board of directors are appointed by 'Aboriginal political organisations, the federal government and the Aboriginal peoples at-large'.⁹⁹

It should be noted that the consultation period for the development of the AHF was very short. Aboriginal groups were in a difficult position: either they came together quickly to form some sort of body, or they risked losing the promised funds forever.¹⁰⁰

A large conference representing most of the Aboriginal groups in Canada was held in July 1998. This conference was the first real opportunity for the community at large to engage with the concept of a healing foundation and be involved in setting its direction. Text Box 7 reproduces the recommendations that the conference made to board members. These goals have largely been included in the mission statement and used as a point of reference for evaluation and strategic planning (with the exception of the recommendation about the composition of the board being made up solely of survivors and one Elder). The conference also provided an opportunity for the board to begin the process of building up trust with Aboriginal communities.

99 Aboriginal Healing Foundation, *2007 Annual Report* (2007). At <http://www.ahf.ca/about-us/annual-reports> (viewed 7 November 2008).

100 M Castellano, *Final Report of the Aboriginal Healing Foundation*, Volume I, *A Healing Journey: Reclaiming Wellness*, Aboriginal Healing Foundation (2006), p14.

Text Box 8: Recommendations to board members of the Canadian Aboriginal Healing Foundation¹⁰¹

1. Board members should be on their own healing journey: sober, drug free and walk their talk. Board members need to be role models.
2. Board and staff should have a code of ethics.
3. Survivors need to be strongly recognized on the Board.
4. The Foundation must establish and build trust.
5. There should be ownership of the Foundation by the communities it serves.
6. The Board should stay at the grass roots level and not place too much priority on administration. Professional help is needed by all members of survivors' families.
7. The Board membership should be restricted to survivors and one Elder.
8. The Board communicate with survivors by a communication which is truthful, honest and open.
9. The way of operating be traditional and holistic.
10. Foundation bylaws should not conflict with existing treaties and research should be done with respect to any conflict with the Charter of Rights and Freedoms.

The AHF is accountable through its Funding Agreement with the Canadian government which requires full annual reporting and independent audits. To date, the AHF has managed large amounts of money in a transparent and accountable way and has become a model of good governance in Aboriginal organisations in Canada.¹⁰²

(b) Program Funding

The AHF has had an enormous task allocating and managing funding to healing programs across Canada, with 1,345 grants to date. There is a diversity of healing projects that have been funded but all have had to meet mandatory criteria requiring that they:

1. Address the legacy of physical and sexual abuse in residential schools, including intergenerational impacts. This must be reflected in the project's goals, description and work plan.
2. Show support and links. A project must have community support in order to be funded. It will have more impact when it is linked with health, social services and other community programs.
3. Show how it will be accountable to Survivors, to the community where the project will take place, and to the target group who will benefit from the project.
4. Be consistent with *Canada's Charter of Rights and Freedoms*.¹⁰³

101 M Castellano, *Final Report of the Aboriginal Healing Foundation, Volume I, A Healing Journey: Reclaiming Wellness*, Aboriginal Healing Foundation (2006), p 19.

102 M Castellano, *Final Report of the Aboriginal Healing Foundation, Volume I, A Healing Journey: Reclaiming Wellness*, Aboriginal Healing Foundation (2006), p 14.

103 M Castellano, *Final Report of the Aboriginal Healing Foundation, Volume I A Healing Journey: Reclaiming Wellness*, Aboriginal Healing Foundation (2006), p 44.

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The projects fall into the categories (mentioned previously in Part 3) of 'reclaiming history; cultural interventions; and therapeutic healing' and include:

- sweat lodges;
- spiritual and cultural ceremonies;
- healing circles;
- counselling by Elders;
- traditional healers;
- medicine wheels;
- western style individual and group counselling;
- alternative therapies like massage and reiki;
- education about the residential school experience and legacy; and
- research.

The largest proportion of funding, 62% goes to direct healing services such as counselling and culture based activities; 14% goes to prevention and awareness initiatives; 8% goes to increasing knowledge about the residential school system; 7% goes to training; 3% for needs assessment; 1% for project design support; and 2% for conferences.¹⁰⁴

Following difficulties in the first funding cycle due to community organisations not meeting the funding proposal guidelines, Community Support Coordinators were employed. The Community Support Coordinators were placed in the major regions and included native Inuktitut and French speakers to accommodate non English speakers. Special efforts were made to help communities 'access writers and skills to translate good ideas into fundable proposals'.¹⁰⁵ Oral communication styles were also accommodated by allowing oral video submissions.

(c) Research and evaluation

Although the research arm of the AHF is only small, with only three core employees and an additional three contract workers, the impact and output of their research has been significant. The AHF has undertaken innovative research on issues related to healing such as suicide, addictions, foetal alcohol syndrome, family violence, elder abuse and perpetrator programs. The AHF research on healing is unique and utilised internationally to support healing initiatives with indigenous peoples.

Evaluation has been built into all AHF processes and the activities have been extensively evaluated as part of the final report in 2006. These evaluations have drawn some powerful lessons about what healing is and how the healing process can be supported and improved. Evaluation of the AHF has led to research that has mapped what the healing journey has been for communities and individuals, what supports healing, how to engage communities that might not be ready for healing and what makes a good healer. This evidence is invaluable because it builds theory on healing that is grounded in real life practice.

The experience of the AHF has also demonstrated a good model of evaluation for healing programs. The AHF has been able to develop meaningful evaluation measures that reflect the impact of their work. Initially, there was an expectation that the research process would be able to evaluate whether healing was leading to improvements in key indicators around physical and sexual abuse, children in care, suicide and

104 Aboriginal Healing Fund, *An Update on the work of the Aboriginal Healing Foundation* (2008). At <http://www.ahf.ca/> (viewed 11 November 2008).

105 M Castellano, *Final Report of the Aboriginal Healing Foundation, Volume I A Healing Journey: Reclaiming Wellness*, Aboriginal Healing Foundation (2006), p 42.

incarceration.¹⁰⁶ However, the AHF took the approach that these things would take much longer to change than the evaluation period. This led to much more sensible measures of progress revolving around:

- Increased awareness of the legacy of physical and sexual abuse in residential schools;
- Increased numbers engaged in healing with positive results;
- Increased capacity to facilitate healing;
- Increased partnerships; and
- Increased support from related organizations and community leadership.¹⁰⁷

The evaluation has also been influential in documenting the reach of the AHF programs. It is estimated that 204 564 people had participated in healing projects up to 2004. Of those, only 33% of participants had been engaged in healing before.¹⁰⁸

In interviews with participants, 57% noted an improvement in their goals with improved self-awareness, relationship with others, knowledge and cultural reclamation. The majority of participants reported feeling better about themselves through improved self esteem and the opportunity to work through trauma.¹⁰⁹

The AHF has also looked at the community wide healing process. Based on the level of understanding and awareness of the legacy of the residential schools; number of participants in healing; and the level of capacity to deliver healing programs:

- 20% of communities are just beginning healing;
- 69.5% of communities accomplished a few goals, with much work remaining; and
- 14.1% of communities accomplished many goals but with only some work remaining.¹¹⁰

The evaluation also captured the magnitude of the need. 56% of funded projects could not meet healing needs and 36% maintain a waiting list. It was estimated that an additional \$140 855 595 would be required to meet these needs.¹¹¹ This sort of evidence has been instrumental in arguing for funding extensions for the AHF.

The message from evaluation was loud and clear, healing is a long term process and needs to be funded commensurate with the level of need.

(d) Sustainability

Given the time bound nature of the AHF, part of the funding criteria has been to demonstrate how the program would be sustained after the funding period draws to a close. Partnerships have been strongly encouraged with 72% of projects being linked

106 M Castellano, *Final Report of the Aboriginal Healing Foundation, Volume I A Healing Journey: Reclaiming Wellness*, Aboriginal Healing Foundation (2006), p 94.

107 M Castellano, *Final Report of the Aboriginal Healing Foundation, Volume I A Healing Journey: Reclaiming Wellness*, Aboriginal Healing Foundation (2006), p 95.

108 Aboriginal Healing Fund, *The Aboriginal Healing Foundation; Summary Points of the AHF Final Report* (2006). At <http://www.ahf.ca/publications/evaluation-series> (viewed 13 November 2008).

109 Aboriginal Healing Fund, *The Aboriginal Healing Foundation; Summary Points of the AHF Final Report* (2006). At <http://www.ahf.ca/publications/evaluation-series> (viewed 13 November 2008).

110 Aboriginal Healing Fund, *The Aboriginal Healing Foundation; Summary Points of the AHF Final Report* (2006). At <http://www.ahf.ca/publications/evaluation-series> (viewed 13 November 2008).

111 Aboriginal Healing Fund, *The Aboriginal Healing Foundation; Summary Points of the AHF Final Report* (2006). At <http://www.ahf.ca/publications/evaluation-series> (viewed 13 November 2008).

with other organisations.¹¹² This has also meant organisations accessing funding from other organisations and federal and provincial/ territory governments.

1.2 Compensation for residential school survivors

Despite a similar history to Australia, Canada has a dramatically different experience in provision of compensation to residential school survivors. In response to the Gathering Strength Action Plan the Canadian Government began exploring options for resolving the large number of compensation claims regarding abuse. In 2001 a federal government agency, Indian Residential Schools Resolution Canada (IRSRC), was established to oversee this process.

In 2002 the IRSRC released a National Resolution Framework. The centrepiece of this framework was alternative dispute resolution (ADR) to achieve monetary compensation for survivors of the residential school system without the need for litigation.

There were high hopes for ADR as a way to deal with a large number of claims in a speedy way. In 2002 already 8 000 claims had been made against the Canadian government. The Government estimated it would take the court 53 years to process these cases, at a cost of \$2 billion in administration costs alone.¹¹³ Further, given the advanced age of survivors, the likelihood of them achieving compensation in their lifetimes was slim.

Unfortunately ADR failed to deliver on its promise. In 2005 only 93 cases had been processed. At that rate, it would take 30–53 years to process all the claims and the administrative costs would be four times greater than the actual cost of settlements.¹¹⁴

There was also dissatisfaction about some of the fairness of the process with large discrepancies in settlement outcomes depending on location and who was responsible for the school. Concerns were also raised about how the Canadian government applied the relevant tort law in the claims. For instance, Dr Greg Hagen a legal expert who has worked extensively on settlement issues cited the example of Flora Merrick who:

[W]as awarded a measly \$1,500 award for being beaten and locked in a small, dark room for two weeks for escaping the school's inhumane treatment. Canada is appealing the finding on the basis that the school's behaviour met the standards of the day with litigation fees likely much higher than the award itself.¹¹⁵

In 2005 the Canadian government commenced negotiations with survivors of the residential system and churches to come to an agreement for all survivors, not just those who had suffered physical and sexual abuse.

In May 2006 the Indian Residential Schools Settlement Agreement was announced.¹¹⁶ The agreement was reached between the Canadian government; the Assembly of First Nations (the national representative body for indigenous peoples of Canada); legal representatives of residential school survivors; and legal representatives of the churches who ran the residential schools. It is the largest settlement in Canadian history, worth \$1.9 billion in compensation alone.

Key features of the Indian Residential Schools Settlement Agreement are:

112 M Castellano, *Final Report of the Aboriginal Healing Foundation, Volume I A Healing Journey: Reclaiming Wellness*, Aboriginal Healing Foundation (2006), p 101.

113 G Hagen, 'Commentary: on ADR for residential school claims', *Lawyers Weekly*, 1 April 2005. At <http://www.lawyersweekly.ca/index.php?section=article&articleid=62> (viewed 12 November 2008).

114 G Hagen, 'Commentary: on ADR for residential school claims', *Lawyers Weekly*, 1 April 2005. At <http://www.lawyersweekly.ca/index.php?section=article&articleid=62> (viewed 12 November 2008).

115 G Hagen, 'Commentary: on ADR for residential school claims', *Lawyers Weekly*, 1 April 2005. At <http://www.lawyersweekly.ca/index.php?section=article&articleid=62> (viewed 12 November 2008).

116 The complete agreement, court documents and commentary can be found at http://www.residentialschoolsettlement.ca/english_index.html (viewed 12 November 2008).

- A common experience lump sum payment to survivors of \$10 000 for the first year plus \$3 000 for each year after;
- An Independent Assessment Process for survivors who have suffered physical and sexual abuse, or abuses that have resulted in psychological harm;
- Advance payments for claimants over 65;
- Establishment of a Truth and Reconciliation Commission;
- Additional \$125 million for the AHF to extend its work by five years;
- \$20 million for commemoration activities; and
- \$100 million contribution from relevant churches towards healing initiatives.

1.3 Truth and Reconciliation Commission

The Truth and Reconciliation Commission (TRC), an outcome of the Indian Residential Schools Settlement Agreement, began its work on 1 June 2008. It is still in the setting up phase, so we can't ascertain how it is progressing yet. Nonetheless, the model is unique and has some interesting features.

The TRC is a court-ordered body, with the court playing an ongoing role in the implementation and supervision of the TRC.¹¹⁷ This is the first time a TRC has been set up in this way. Other TRCs around the world (South Africa is the most well known example, set up to deal with the atrocities of apartheid) are government bodies. Many other TRCs also have powers to bring criminal charges, the Canadian TRC does not.

The Canadian TRC is voluntary and victim focused. Its primary goal is to give survivors of the residential school system an opportunity to share their stories. These stories will be documented and contribute to the Canadian TRC's other goal of developing a comprehensive historical, public record to inform the nation.¹¹⁸

While other TRCs around the world are also victim focused, there is also an emphasis on engaging those who perpetrated violence and abuse. In the Canadian model, those involved in the running of the residential school system are welcome to share their stories but it is not a specific focus. The larger focus seems to be on reconciliation and commemoration through raising public awareness and ensuring the legacy of the residential schools system is understood.

2. Lessons from Canada for Australia

The situation in Canada is by no means perfect and there are fundamental problems in grafting a Canadian model onto the Australian Indigenous landscape. However, I believe that there are some valuable lessons that can guide our own progression towards healing in Australia, particularly through a national Indigenous healing body. Sometimes these lessons come out of the successes, and other times they come out of the challenges, but they should always be viewed within the context of Australia's social, political and economic realities.

2.1 Adopt a broad scope and realistic time frame for healing

One of the first battles of the AHF was negotiating a sufficiently broad scope to address community wide healing needs. The Canadian government originally only

117 Truth and Reconciliation Commission, *Truth, Healing and Reconciliation* (2008). At <http://www.trc-cvr.ca/pdfs/20080818eng.pdf>, (viewed 13 November 2008).

118 Truth and Reconciliation Commission, *Truth, Healing and Reconciliation* (2008). At <http://www.trc-cvr.ca/pdfs/20080818eng.pdf>, (viewed 13 November 2008).

wanted the AHF to address the healing of residential school victims of physical and sexual abuse. The AHF board members successfully negotiated for an expansion to the intergenerational effects on the survivors' families. Given what we know about the intergenerational effects of trauma, this has covered a broad range of individuals and issues.

The focus on physical and sexual abuse omits other significant losses inherent in the residential school process, like loss of family relationships, language, culture, identity and self esteem. However, the AHF has been sufficiently flexible to accommodate a broader vision of healing but it is a shame that comprehensive recognition of what healing entails wasn't established from the beginning.

In developing an Australian model consideration should be given to looking at healing in its broadest terms, not just for Stolen Generations, but their families and communities. Healing should not only address the forcible removal but trauma arising from other sources and the related issues like family violence, alcohol and other drug use and incarceration that flow from trauma.

The AHF has a limited term. Although the initial period has been extended out until 2012 that is still a relatively small period of time given the magnitude of the healing needs. The AHF research suggests an average of 10 years is required for a community to 'reach out, dismantle denial, create safety and engage participants in therapeutic healing',¹¹⁹ and this is just the beginning of the process. Similarly, in Australia we need to undo over 200 years of trauma. This will take a significant period of time and we need to be realistic about this or we will not meet the expectations, the therapeutic need and we will be setting healing processes up for failure.

2.2 Create an independent, indigenous controlled healing body

Part of the success of the AHF is its independence from government and its community control. This is an expression of self determination and empowerment, which in and of itself is a powerful step in the direction of healing and reconciliation. The AHF has been well managed, with good governance and accountability and is considered a model of excellence in Aboriginal controlled organisations in Canada.

Whether or not a healing body in Australia has a direct funding or service provision role is not clear, but regardless it should maintain its independence from government and be managed by Indigenous peoples.

2.3 Compensation and healing are related but can be pursued separately

The Canadian government, in conjunction with the relevant churches have gone down the road of providing compensation through the Indian Residential Schools Settlement Agreement. This is a momentous agreement and provides a model of good negotiation but it also shows that healing and compensation need not be pursued together. The Canadian Aboriginal organisations were pragmatic enough to know that the offer of funding for a healing fund was a once in a lifetime opportunity and would meet a deep need in their communities. The strategy of remaining separate from the protracted legal processes of compensation helped to secure this offer of funding for healing services.

119 Aboriginal Healing Fund, *The Aboriginal Healing Foundation; Summary Points of the AHF Final Report* (2006). At www.ahf.ca/pages/download/28_13239 (viewed 13 November 2008).

2.4 Proper consultation and engagement

The AHF had a ridiculously short period of three months to set up the foundation. This did not leave enough time for proper community consultation and engagement. Consequently, the AHF board had a difficult road to acceptance. They held a major conference with community members shortly after, but even then there were still misplaced community expectations about what the AHF could do.¹²⁰ This was also reflected in the first round of funding proposals, where it was clear that some organisations did not have a clear idea about what the AHF could fund.¹²¹

This points to the clear need to conduct extensive consultation and engagement in the Australian context. Again, not just consultation with Stolen Generations groups but a broad range of community stakeholders. I would also suggest Indigenous men's groups be particularly involved. Indigenous men are often painted as the problem by mainstream media when in fact many have shown a real commitment to individual and community healing.

2.5 Credible, respected leadership

The AHF has been strengthened by good moral community and professional leadership since its inception that has provided the foundation for advancing the AHF's work. In Canada, the Assembly of First Nations (AFN) enjoyed twenty years experience, national leadership and credibility, and thus was an appropriate auspice agency for the creation of the AHF. In Australia, since we currently have no credible national equivalent to the AFN, it will be even more necessary to ensure the independence, moral leadership, professionalism and credibility of the Board. Commentators in Australia have noted the importance of having a strong community-based and professional leadership at the helm, driven by Indigenous peoples with the relevant healing, professional therapeutic and management experience and skills. This will be more likely to ensure that the work of the foundation comprehensively addresses the different areas of need.¹²²

Similar to the role played by the Assembly of the First Nations, Indigenous leadership in Australia would also be assisted by the creation of a National Indigenous Representative Body.

Similarly, in the Canadian experience the presence of a Treaty formed an important basis for negotiations with the government on the establishment of an independent Aboriginal controlled healing foundation. Respondents to our consultations in Australia have similarly reflected that there is a need for a treaty to provide a foundation for establishing a framework for healing and for ensuring government accountability for Indigenous issues.

2.6 A central role of research and evaluation

Research and evaluation have been built into the AHF from the very outset, not as a hurried add-on towards the end of a funding cycle. This has led to accountability by assessing if funded programs are delivering outcomes.

Research and evaluation create an evidence base that justifies and sustains programs. Providing evidence on the efficacy of healing programs increases its acceptance with government and other funders. The Australian Government has repeatedly spoken of

120 M Castellano, *Final Report of the Aboriginal Healing Foundation, Volume I A Healing Journey: Reclaiming Wellness*, Aboriginal Healing Foundation (2006), p 20.

121 M Castellano, *Final Report of the Aboriginal Healing Foundation, Volume I A Healing Journey: Reclaiming Wellness*, Aboriginal Healing Foundation (2006), p 21.

122 G Phillips, Personal communication with Tom Calma, Aboriginal and Torres Strait Islander Social Justice Commissioner, 11 November 2008.

the need for evidence based policy. These sorts of authoritative evaluations are our way of responding to ensure that healing programs get funding in the first place and are sustained into the future.

The research arm of the AHF has also led to significant new knowledge. Healing is an area of innovation, especially in Australia, so there is a lot of fresh research ground for a healing body in Australia. The research generated could have utility in evaluating programs; developing the theory on healing in the Australian context; and undertaking historical and commemorative work about past racist policies.

2.7 Building partnerships

AHF funded projects are usually run in conjunction with other organisations, and frequently provincial, territory and federal government agencies. This promotes joint work, prevents siloing of healing services and builds the sustainability of the programs in the long term. This should be a guiding principle in any Australian healing body.

Beyond the AHF projects, Legacy of Hope, the charity associated with the AHF has created some good links to the corporate and philanthropic sector. There is good will and generosity in the corporate sector in Australia too. A healing body should strongly engage with these alternative sources of support.

2.8 Creating acceptance for healing in mainstream services

One of the best outcomes of the AHF has been the promotion of healing recognised as a legitimate approach to a wide range of problems. Mainstream organisations and government departments have adopted healing approaches in their programs based on the success of AHF healing programs and the evidence that supports them.

A powerful example is the Stan Daniels Healing Centre, which is actually a federal correctional centre based on Aboriginal spirituality and healing models. It almost seems a contradiction in terms to have a 'healing' correction centre but the Stan Daniels Healing Centre was favourably evaluated in 2006¹²³ and now accepts non-Aboriginal residents.

A healing body in Australia could have similar capacity to educate about healing and promote programs and approaches that are successful for integration into mainstream service delivery.

123 Correctional Service of Canada, *Evaluation Report: The Section 81 Agreement between the Native Counselling Services of Alberta and the Correctional Service of Canada*, The Stan Daniels Healing Centre (2006). At <http://www.csc-scc.gc.ca/text/pa/ev-sdhc-394-2-30/toc-eng.shtml#ack> (viewed 12 November 2008).

Part 5: A national Indigenous healing body

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The literature review, case studies of healing programs in Australia and a consideration of the Canadian healing experience provide a knowledge base for progressing healing in Australia. The next step in moving healing forward on the national policy agenda is consultation with the Indigenous community.

As part of the research for this chapter I sought feedback from individuals and representative organisations with expertise and experience in Indigenous healing programs, policy and research and related areas on the development of a national Indigenous healing body in Australia.

This was not a community consultation nor was it comprehensive due to the limited resources available. I sought information from 43 individual and organisations and received 18 responses in writing as well as through phone calls, meetings and forums¹²⁴ as appropriate. The respondents included a number of Stolen Generations organisations, researchers, policy makers and practitioners in the field of Indigenous healing.¹²⁵

While this consultation should in no way be considered complete, it still provides some valuable initial thoughts on what is important in healing and how we might move forward. As a starting point I asked respondents:

1. What should be the main roles and functions of a national healing body?
2. What kind of relationship do you see a national healing body having with existing healing programs and Indigenous-controlled health services?
3. Do you believe a healing body should be federally based or state/ territory based?
4. Apart from a healing body, are there any other policy models that you believe would advance and support healing programs in Aboriginal communities?
5. Please provide examples of initiatives and/ or research that have been undertaken to date by Indigenous peoples to advance the development of policy/ programs or projects relating to healing in Australia.

This section will summarise the key issues raised in response to these questions.

1. Concepts of Indigenous healing

The responses are consistent with the concepts of healing presented in Part 2 of this chapter and highlighted that any discussion of Indigenous healing needs to start with an understanding of what the concept of Indigenous healing is.

124 Such as the FaHCSIA Indigenous Healing Forum, Canberra, 16–17 September 2008.

125 Respondents were: Australians for Native Title and Reconciliation; Balunu Foundation; Cooperative Research Centre for Aboriginal Health; Link-Up (NSW); Link-Up (Wyndham); Nunkuwarrin Yunti (South Australia); Red Dust Healing Program; Secretariat of National Aboriginal and Islander Child Care (SNAICC); Spirit, Body, Mind and Heart Working Group (Chair – Helen Moran); Stolen Generations Alliance; Telethon Institute for Child Health Research; WA – Bringing Them Home Committee; Stolen Generations Victoria; David Hollinsworth; Dorinda Cox; Gregory Phillips; Judy Atkinson; Lorraine Peters, and Rosemary Wanganeen.

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The key themes that emerged in relation to the concept of healing were:

- Indigenous healing is a long term response to address the trauma resulting from colonisation and forced removal of children from their families.
- While Indigenous healing overlaps with other areas including social and emotional well being, mental health, and medical based therapeutic models, it is also distinct from these. Elements of these other areas contribute to healing, but healing is not limited to any of these.
- Cultural identity and cultural renewal are central features of Indigenous healing processes.
- Healing is a very personal process, and necessarily requires different approaches and processes for different people.
- Healing is not limited to the individual. It extends to healing of the family, the community and of the nation.

Text Box 9 provides a selection of quotes from respondents on what healing means to them.

Text Box 9: Selected quotes from respondents on the concept of healing

At its heart healing is about restoring balance where wrong has been done, – a spiritual process that includes therapeutic change and cultural renewal. It is about protection and care for the victims of violence and abuse as well as the development of correctional services for perpetrators that are based on healing and change, not stigmatisation and shame.¹²⁶

Healing is an education process of awakening, learning about the self, having an ever-deepening self-knowledge and a returning to wholeness that leads to transformation, transcendence and integration. It happens through the experience of safety, community support, re-building a sense of family and community, using ceremony and strengthening cultural and spiritual identity.¹²⁷

The main principle of healing is about being connected to country. Healing is about working with individuals, families and community. It is about changing unhealthy relationships with each other... about having a vision of getting well.¹²⁸

Healing is a holistic, intergenerational experience of coping and surviving past injustices.¹²⁹

As noted in Part 2 of this chapter, healing is not always well understood. It was reported that the term 'healing' is not widely used by all Indigenous communities because there isn't a clear understanding of what it entails. However, this is starting to change. For instance in Western Australian Indigenous communities, some practitioners noted that there has been a growing awareness of the concept of healing and a corresponding

126 G Phillips, 'Healing and public policy' in J Altman and M Hinkson Eds. *Coercive Reconciliation*. North Carlton, Arena Publications Association, 2007, pp141–150, cited in Melisah Feeney, 'Reclaiming the Spirit of Well Being: Promising healing practices for Aboriginal and Torres Strait Islander people – Discussion Paper', Stolen Generations Alliance, August 2008.

127 J Atkinson, In discussions during FaHCSIA Indigenous Healing Forum, Canberra, 16–17 September 2008.

128 Yorgum Healing Centre, *Yorgum Healing Centre* (Paper for the FaHCSIA Indigenous Healing Forum, Canberra, 16–17 September 2008).

129 N Yunti, Correspondence to the Aboriginal and Torres Strait Social Justice Commissioner, Australian Human Rights Commission, 22 September 2008.

increased demand for healing programs and services. Dorinda Cox from the Western Australian Healing Projects notes:

People didn't used to talk about healing or even the process, or they might talk about the process without having healing. Now people are saying we want more healing in WA.¹³⁰

To address this knowledge gap, it was recommended by respondents that there needs to be widespread community consultations and awareness raising sessions with Indigenous communities about Indigenous healing. This would develop an understanding of what healing is, the manifestations of healing not taking place, and how needs for healing can be met.

Respondents raised concerns that there is equally a lack of understanding among parliamentarians, government departments and service providers about healing, and what it means in the Indigenous context. There needs to be training and education for government officials among others about the traumas that Indigenous peoples face and what Indigenous healing is. This should then inform government's capacity to develop effective healing strategies. Glendra Stubbs from NSW Link-Up stated:

There was a generally positive response to the parliamentary apology. Despite this, some people still can't understand the wide affect on Indigenous people from enforced loss of family. How can these removal policies have had such a large affect on individuals across Australia and how can this correspond to the social problems of Indigenous people today? There is the grief of parents, interruption of family and community structure where people have been taken and ties of children to their family and culture. We see the turmoil of people trying to fit back into their families' lives and the pain when this does not happen. It has an affect on lives and impacts on the family structure, on parenting skills and social behaviour.¹³¹

The respondents supported a wide ranging definition of healing, so that the intergenerational effects of trauma are recognised and healing is not just limited to issues of forced removal. Nonetheless, respondents also noted the importance of healing for Stolen Generations members, as a distinct and important part of healing for Indigenous communities generally. Helen Moran and Sally Fitzgerald state:

For Indigenous people individual well-being is related to the well-being of the entire community. Thus the healing of the Stolen Generations impacts on the healing of the entire community. Judy Atkinson speaks of the historical layering of transgenerational and intergenerational traumas of which the Stolen Generations are a contemporary core, and to be truly holistic, the historical and compounded complex traumas shared by all Indigenous Australians must be addressed – as must the associated healing of non-Indigenous Australians as well. The Stolen Generations are the corner stone for healing Indigenous Australia. The specific healing needs of the Stolen Generations are integral to, yet distinct from the healing needs of the wider Indigenous communities; with the healing for one tied inextricably to the other.¹³²

The respondents expressed a diversity of views on how to define healing and what purposes it can fulfil, but there is a consensus about the need for healing in order to address the intergenerational impacts of colonisation and past policies. Further,

130 D Cox, Phone conversation with staff of Social Justice Unit, Australian Human Rights Commission, 22 October 2008.

131 G Stubbs, *The context of healing* (Paper for the FaHCSIA Indigenous Healing Forum, Canberra, 16–17 September 2008).

132 H Moran & S Fitzpatrick, *Healing for the Stolen Generations – A Healing Model for All* (Paper for the FaHCSIA Indigenous Healing Forum, Canberra, 16–17 September 2008). The need for distinct healing programs for Stolen Generations members, developed in consultation with Stolen Generations members were also reflected by the Stolen Generations Alliance.

healing is commonly conceptualised as part of the restorative and reparation process spoken of in the *Bringing them home* report.¹³³

2. What are the Indigenous healing needs?

The need for Indigenous healing was seen by respondents as fundamental to enabling Indigenous communities to provide the firm foundations from which to develop and advance. One respondent used the analogy that putting in place measures in Indigenous communities that have not accessed healing is like building a house on quicksand. Alternatively, putting in place measures with a community that has recaptured their cultural identity and healed is like building a house on firm earth.

Respondents stated that Indigenous healing is not a side issue, but central to and a necessary precursor for governments' to meet their commitments to overcoming Indigenous disadvantage and 'closing the gap' in health, education, employment and other areas.

There are four critical needs in Indigenous healing that the respondents identified. Firstly, that there must be a wide range of healing options because healing is such an individual process. Having a range of therapeutic, narrative therapy, cultural and spiritual approaches available enables the individual to choose the healing service or program that best suits them. The key factor here is having a choice among a diverse range of healing options, that are culturally informed and community based.

Having a choice is also important because people may need different services/ programs at different stages of the healing process. As one respondent noted, healing is a process, and often people with trauma need to first build their self-esteem and confidence and their trust in the people involved in the process, before they commence the healing aspects of the process. These preparatory stages can often take a couple of years, during which time people can often be involved in a range of cultural renewal programs and other activities. This builds up to therapeutic and other healing activities when they are ready.

A wide range of healing programs means that options can also be responsive to provide healing for families, communities, for elderly, for youth, for men, for women, and for the nation.

The range of healing programs suggested by the respondents reflects the variety of examples highlighted in Part 3 of this chapter. In summary, services could include:

- targeted healing programs and services for Stolen Generations peoples and their families (that address the impacts of forced removal and intergenerational trauma stemming from the forced removal);¹³⁴
- healing programs and services for the wider Indigenous community, not limited to addressing impacts of forced removal, but extended to address trauma arising from other situations such as drug and alcohol abuse, family violence, and rehabilitative programs for incarcerated Indigenous peoples;
- crisis healing – short term, individual, immediate trauma relief on a daily basis;
- longer term restitutive/ rehabilitative healing process for individual and community based healing; and
- therapeutic, narrative, cultural or spiritual healing programs.

133 Human Rights and Equal Opportunity Commission, *Bringing them home: Report of the National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from Their Families* (1997), p 392–396.

134 See Text Box 10 for a list of healing needs identified by respondents for Stolen Generations members.

Text Box 10: Specific healing needs identified by Stolen Generations respondents

- Crisis services to address immediate healing needs, including a 24 hour telephone counselling line.
- Drop-in centres and outreach support models of service delivery.
- ‘One stop shop’ providing multi-disciplinary services for Stolen Generation members in each state.
- A ‘gold card’ for Stolen Generations members to access health, healing and counselling services at concessional rates, similar to the provision for defence force veterans.
- Training and skills development programs to encourage Stolen Generations members to deliver healing programs.
- Former mission sites to be managed by Stolen Generations members or Indigenous organisations.
- Memorials to be erected in significant sites such as former institutions to commemorate members of the Stolen Generations who have passed away.
- Financial support for people to go to their country and do ‘finish up business’.
- A brokerage fund to support Stolen Generations members to undertake activities related to healing that are unavailable to them due to lack of resources, for instance education, support to publish their story, or assistance to purchase a computer.
- Modification of intake forms for social services to include a question on whether a client is a member of the Stolen Generations. This could assist with determining demand for services by Stolen Generations members and ensure they receive appropriate service responses.
- Increased funding for Link-Up caseworkers, commensurate with level of need.
- There is an urgent need for Link-Up service to expand in the short term due to Stolen Generations members and family advanced age. In NSW alone, Link-Up conducted nine grave side reunions were conducted in 2007.
- Increased funding for administration support in Link-Ups, including data-entry, upgrading data management systems, to ensure compliance with reporting requirements. This will free up caseworker’s time to spend with their clients.
- Funding for researcher positions, including genealogists, in Link-Ups to deal with records only inquiries. Other measures to facilitate more efficient research are permission to access key Electoral Commission information online and permission to use Medicare in forwarding requests to contact.
- Expansion of the Family Link positions in Link-Up to include identification of for kinship placements for Indigenous children requiring out of home care, in accordance with the Indigenous Child Placement Principle.
- Training programs for all mental health workers to increase their capacity to meet the specific needs of the Stolen Generations.
- Early intervention and family support programs to keep families together.
- Support for Indigenous peoples involved with the criminal justice system and in particular, juvenile justice clients, to reconnect with their families. Reports indicate that one third of all Aboriginal inmates in NSW had been removed from their parents as children; 31% of female inmates in NSW and 21% of male inmates reported that their parents had been forcibly removed from their families as children.

Secondly, healing services and programs need to be complemented by health and other support services and infrastructure, particularly in rural, regional and remote areas. Where possible local people need to be trained and employed to provide these services. Experience has repeatedly shown fly-in-fly-out options are not adequate to meet the community's needs on a daily basis.

Thirdly, respondents repeatedly noted that many Indigenous peoples organisations have been developing and delivering Indigenous healing programs, that are culturally appropriate and community based, for some years now.¹³⁵ However, the lack of on-going funding has limited the extent to which such programs and services are made available or accessible to Indigenous peoples. It is now time to resource these services properly and find ways to use existing knowledge and resources in other communities.

Lastly, respondents stated the need for skilled Indigenous personnel and workers to actually provide healing services and provide training. It is necessary to put in place programs that develop the capacities and skills of Indigenous peoples to provide a full range of healing services. In some instances this may mean providing interim training for people to become support workers, as waiting for people to obtain professional credentials can take too long. Once again, experience has shown that training someone from the local community who is regularly available and accessible to deliver the service is often more beneficial than flying in a professional on an occasional basis. What is needed is the development of a discrete workforce to work with individual Indigenous organisations and communities to develop their own local programs.

3. A national Indigenous healing body

There was widespread support among the respondents for a national Indigenous healing body to provide a national coordinated response, informed and controlled by Indigenous Australians.¹³⁶ To be expected, there were a range of views on what this should actually look like, ranging from those who argue for a funding body similar to the Canadian Aboriginal Healing Fund (AHF), to those who suggest a body with more of a research, education and advisory function.

3.1 Common ground

There was also a lot of common ground in the responses. In general, the respondents were adamant that a national healing body should be independent from government, possibly a statutory body, with an Indigenous leadership. The national healing body should also be adequately resourced to carry out its functions with long term funding. Funding should be sourced from the federal, state and territory governments and private funding.

Finally all the respondents found value in learning from the Canadian AHF experience to ensure the problems are not recreated but the strengths can be replicated. In particular, unlike the Canadian AHF, an Australian national Indigenous healing body should not be finite or linked to the lifetime of the Stolen Generations members, but extend beyond to address the healing needs of their descendants. This is particularly important given the inter-generational trauma that has resulted from the forced removal policies. Respondents also identified some key principles that should underline a national healing body, provided in Text Box 11.

135 See Text Box 7 for a list of existing healing initiatives identified by respondents.

136 One of the concluding resolutions from the FaHCSIA Indigenous Healing Forum was the in principle support for the development of a National Healing Foundation. FaHCSIA, *Papers of the Indigenous Healing Forum*, Indigenous Healing Forum, Canberra (16–17 September 2008).

Text Box 11: Key principles for a national Indigenous healing body

- *Self-determination* – the body should be independent with a board consisting of Indigenous members. The body should actively represent Indigenous communities and set its own priorities, whether that be through program funding; research and evaluation; or an educative and advisory role.
- *Human rights* – the body should promote the recognition, protection and realisation of Indigenous rights, as recognised in the *Declaration on the Rights of Indigenous Peoples* and international treaties ratified by Australia.
- *Community development approach* – developing community based initiatives which respond to community identified priorities and empower the community. Supporting community initiated, strengths based preventative interventions which rebuild community, family and individual capacity.¹³⁷
- *Reconciliation* – healing is needed for the nation to acknowledge the harms of the past and address the inter-generational effects of historical trauma for Indigenous peoples to achieve equality in life chances.
- *Grounding healing in Indigenous culture and identity* – restoration of cultural provide, positive identity and understanding histories, ceremonies, languages and traditions promote collective healing and a sense of belonging.

Some of the common roles and functions identified for the body include:

- developing a national healing framework or strategy;
- consulting with Indigenous communities and other stakeholders (e.g. federal and state/ territory government departments, parliamentarians, etc.);
- funding Indigenous community controlled healing programs;
- researching healing programs currently with Australia and internationally, identifying and promoting best practices in Indigenous healing in Australia,¹³⁸ with a possible a clearing house role;
- public education for both Indigenous and non-Indigenous communities, fostering a greater understanding in the broader community of issues confronting Indigenous peoples, and particularly Stolen Generations;
- promoting reconciliation through community based cultural events and social activities that promote inter-cultural understanding and awareness;
- capacity building, professional training, accreditation and benchmarking for Indigenous community based healing programs, Link-Up and Bringing Them Home counsellors and other healing support workers;
- lobbying and advocacy for Indigenous healing and Stolen Generations;

137 Other principles and values that were identified as important for Indigenous healing generally included: focus on Indigenous culture and tradition, family based, linking therapeutic approaches to spiritual and cultural approaches, community support for healing and recovery, connection with country, trust, courage, connection, culturally appropriate, diversity, flexibility, respect for Indigenous protocols, recognition of Indigenous community knowledge, cultural safety.

138 A possible model to look to for how this function of the body could be fulfilled is the 'Canadian observatory on the justice system response to intimate partner violence' – an international network of researchers, practitioners and policy-makers from across many disciplines. It is a vehicle for conducting national research projects and international comparisons, and identifying future collaborative research directions (more information is available from their website at: <http://www.unb.ca/observ/index.php>).

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- reviewing federal government's policies on healing and policies relevant to Indigenous healing ;
- monitoring and evaluation of a national Indigenous healing framework/ strategy, other relevant policy areas and implementation of the *Bringing them home* report recommendations
- reporting to Parliament on Indigenous healing.

3.2 Alternative models

The consultations drew out some of the pro and cons of the main possible national healing body models that have been suggested so far. Some respondents saw the body as being responsible for delivering Indigenous healing programs. Within this approach there was an emphasis on the body funding Indigenous community controlled services, and the government funding government services separately.¹³⁹ Other respondents felt that, akin to the Canadian model, the body should not be responsible for delivering healing programs but for coordinating the funding of Indigenous healing programs across the nation.¹⁴⁰

On the other hand, some respondents felt that a healing body should not be responsible for delivering healing programs or disseminating funding for Indigenous healing projects. Instead it should play a strong role in advising governments about the development and implementation of a national healing strategy. This strategy would involve the government funding a range of healing programs to be delivered by organisations across Australia. This sort of national body would also have a key role in research, education and evaluation to promote healing.

An advantage of the body taking an advisory role outlined by the respondents, is that responsibility for the provision of Indigenous healing services is retained as a government responsibility. This prevents healing being siloed off to another body that bears all the responsibility but without the full resources available to government. A strong advisory role the body could play an important part in guiding the development of a national healing strategy and ensuring it is implemented effectively. The body could act as a bridge between Indigenous communities and service providers and government to enable community directives and priorities to inform government funding. Conversely, some respondents suggested that a funding or service delivery model would be more responsive to community needs and be a step towards self determination.

139 The Spirit Body Mind and Heart Working Group put forward a model that allowed for three funds – the Stolen Generations fund (which would fund healing programs for Stolen Generations members), the Community/ Family/ Individuals Fund (for funding programs for broader related Indigenous healing) and the National Healing Awareness fund (for funding awareness and education activities on healing, as well research on achieving restitution, rehabilitation and healing): H Moran & S Fitzpatrick, *Healing for the Stolen Generations – A Healing Model for All* (Paper prepared for the FaHCSIA, Indigenous Healing Forum, Canberra, 16–17 September 2008).

Gregory Phillips noted the option of creating a financial base for the body (perhaps \$500 million) that can be invested in a fund and managed professionally with a sound financial management plan. The interest and annual disbursements from the fund could be used to make grants to Indigenous healing programs – the priorities and criteria for which should be decided by the independent Indigenous professional and community-based Board: G Phillips, Communication with Aboriginal and Torres Strait Islander Social Justice Commissioner, 11 November 2008.

140 The WA Sexual Assault Resource Centre is another example of a funding model for healing programs. The Centre annually provides \$100,000 per region, and the use of funds evolves as a fluid process through community consultation and community identified solutions.

3.3 Who is the healing body for?

Some respondents had an expectation that the foundation would be specifically for addressing the needs of Stolen Generations members and their families. However, some of these expectations seem to have been as a result of communications with the government along these lines, rather than indicative of a desire to limit healing to Stolen Generations members.

Other respondents felt that as almost every Indigenous family has in some way been impacted upon by the forced removal policies. Therefore, any healing strategy for Stolen Generations should be inclusive of their families and communities, and such a scope would necessarily cover all Indigenous peoples. Other respondents extended this view further and argued that Indigenous peoples are experiencing a range of traumas, not only of forced removals, but also the wider impacts of colonisation, which have manifested in high levels of stress and disadvantage, drug and alcohol abuse, family violence, incarceration, poverty and racism.

Whatever the reasoning, a majority of respondents recommended a wide scope for healing that could address the full gambit of Indigenous healing needs within a single body. However, within this wide scope, there was acknowledgement that special attention, programs and funding needs to be allocated for addressing the specific needs of Stolen Generations members, and priority needs to be given to meeting these needs in light of the life expectancy of many Stolen Generations members.

3.4 Relationship with existing programs and Indigenous-controlled health services

There was consensus that a national body support and complement the work of Indigenous community based healing initiatives, such as the Indigenous controlled health services. The body could make an important contribution through its capacity building function to support the development of Indigenous community controlled services and programs. Peak organisations such as NACCHO will be important stakeholders for the body to liaise with but a national body should also link with regional and state/ territory bodies and organisations.

3.5 Relationship with governments

A majority of respondents felt that a national body would be best placed to put in place and coordinate a national healing framework that ensures consistency across the country. Some respondents felt this could be supplemented by state level healing bodies, with the possibility of representatives from the state healing bodies represented in the national body, or alternatively the national body could have state affiliates.

Given the breadth of areas that Indigenous healing can be linked with (for example health, mental health, social and emotion well-being, family violence, child protection, and offender programs to name a few), respondents noted the importance of having coordinated responses by federal and state/ territory governments. This could help overcome the current confusion about government responsibilities between federal and state/territory governments departments. This is particularly important given the need for cross-departmental holistic programs that address Indigenous healing. The national healing body would need to work with all levels of government.

Respondents also suggested that the COAG reconciliation framework could be revived as a means of securing a joint federal / state and territory agreement to jointly fund the establishment and operations costs of the body.

All of the respondents recommended extensive consultation as part of the process in developing a national healing body. A comprehensive national community consultation

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process is needed to ensure that Indigenous communities have an informed position on the scope, role and functions of the national Indigenous healing body. The consultations need to be conducted with Indigenous peoples and communities, Indigenous elders, Stolen Generations members, Indigenous organisations and representative bodies. Consultations need to be conducted in culturally appropriate ways.¹⁴¹ One of the concluding resolutions from the FaHCSIA Indigenous Healing Forum was for the 'formation of a working party to manage the community consultation with government funding'. Similarly, an interim body may also be tasked to undertake consultations.

Consultations on the formation of a body also need to be undertaken with federal, state and territory governments, federal government departments, private and NGO sector stakeholders. There is no point establishing a body that will not be able to work effectively with these stakeholders.

141 The *Declaration on the Rights of Indigenous Peoples* highlights states' obligations to consult with Indigenous peoples in Article 19:

"States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free, prior and informed consent before adopting and implementing legislative or administrative measures that may affect them" (*United Nations Declaration on the Rights of Indigenous Peoples*, GA Resolution 61/295, UN Doc A/61/L.67 (2007). At http://www.un.org/esa/socdev/unpfii/documents/DRIPS_en.pdf (viewed 1 December 2008). The Aboriginal and Torres Strait Islander Social Justice Commissioner has also commented on a central element of a human rights based approach being Indigenous peoples participation and engagement in government laws, policies and programs (Aboriginal and Torres Strait Islander Social Justice Commissioner, *Social Justice Report 2006*, Human Rights and Equal Opportunity Commission (2006), p 5–6.) See also Human Rights and Equal Opportunity Commission and United Nations Permanent Forum on Indigenous Issues, *Guidelines for Engagement with indigenous peoples*, United Nations Conference on Engaging Communities (2005). At http://www.hreoc.gov.au/social_justice/conference/engaging_communities/index.html (viewed 1 December 2008).

Part 6: Conclusion and recommendations

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There is no doubt about the need for healing in Indigenous communities. You only need to listen to the stories of members of the Stolen Generations; the stories of Indigenous women escaping family violence; the stories of Indigenous peoples in custody who know about the thin line between victim and perpetrator; and the Indigenous children that carry all of these stories around, to know that we need healing urgently.

This need is not new, but I have argued in this chapter that I do think we have a rare confluence of events at the moment. The National Apology has stirred real compassion and understanding amongst Australians. Many are looking for ways that they can try and ‘make good’ for the past, but in a way that is also about achieving a better future. Healing holds that promise and I think it is something people will get behind if we put it firmly on the national agenda.

This chapter has reviewed some of the literature to get to an understanding of healing in the Indigenous context, looked at real life Australian examples, presented lessons and strategies from the Canadian experience and reported on our consultation process. This ground work can guide and inform what the agenda we need to set for Indigenous healing.

However, I urge that action not be at the expense of proper consultation. This is too important an issue to rush in and develop healing policy without real community engagement. Experience tells us that this could be a once in a life opportunity so let’s do it in a way that respects human rights and will ultimately lead to better policy and outcomes.

For this reason I make the following recommendation to the Australian Government.

Recommendation 15

That the federal government establish an independent, Indigenous controlled national indigenous healing body following extensive consultation, which is responsible for developing and then implementing a coordinated National Indigenous Healing Framework. The Framework should be developed in conjunction with the federal and state/ territory governments and Indigenous organisations and communities.

The national Indigenous healing body should:

- be based on the key principles of self-determination, respect for human rights, reconciliation, and adopt a community development approach that is grounded in Indigenous culture and identity;
- have adequate resourcing for long term community generated, and culturally appropriate Indigenous healing services and programs, commensurate with need;

- have a broad range of possible roles and functions including: research, public education, capacity building, training, accreditation, policy review, public reporting and monitoring and evaluation;
- engage with state and territory governments to develop a nationally consistent approach in the provision of financial redress (compensation) for the Stolen Generations.

The national Indigenous healing body should also be funded to conduct educational activities about Indigenous healing to Indigenous communities, service providers and relevant government departments to ensure that the purpose of a national Indigenous healing body is clearly understood.