

No More Waiting: The Case for Redress in Queensland's Stolen Generation Legacy

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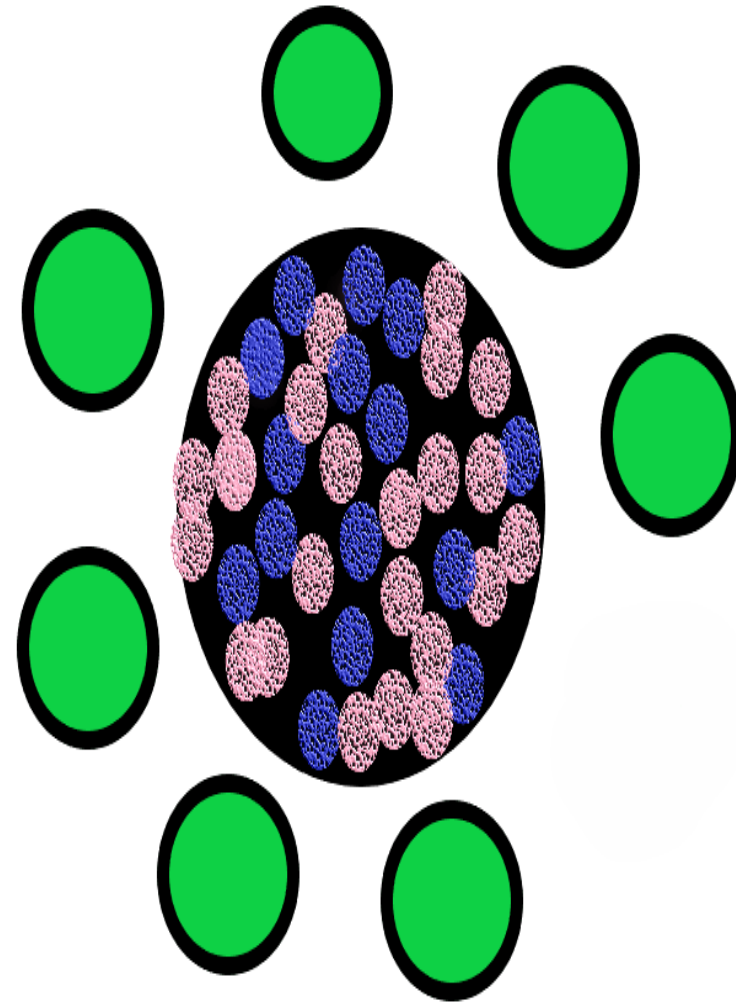
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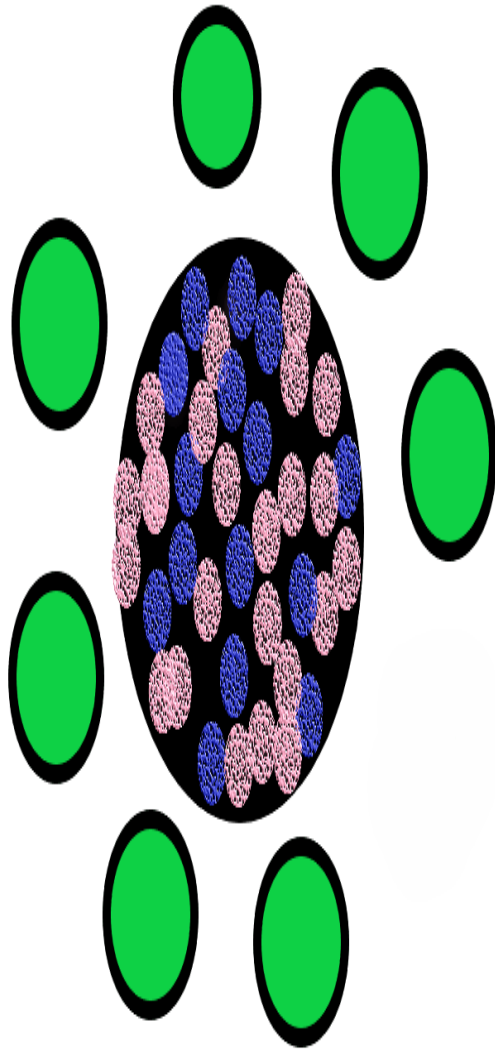


Acknowledgements and Standpoint

The 'artwork'

The national
context





The current 'system'

Lack of Unified Scheme

Australia does not have a national redress scheme for Stolen Generations, leading to fragmented responses across states and territories

Variations in Support

States and territories differ in eligibility, payment amounts, and support services, creating disparities in Stolen Generations Survivor recognition and assistance

Impact on Reconciliation

This decentralised approach hinders national reconciliation and equitable justice for all Stolen Generations Survivors

Variations in recompense and eligibility

Financial recompense differences

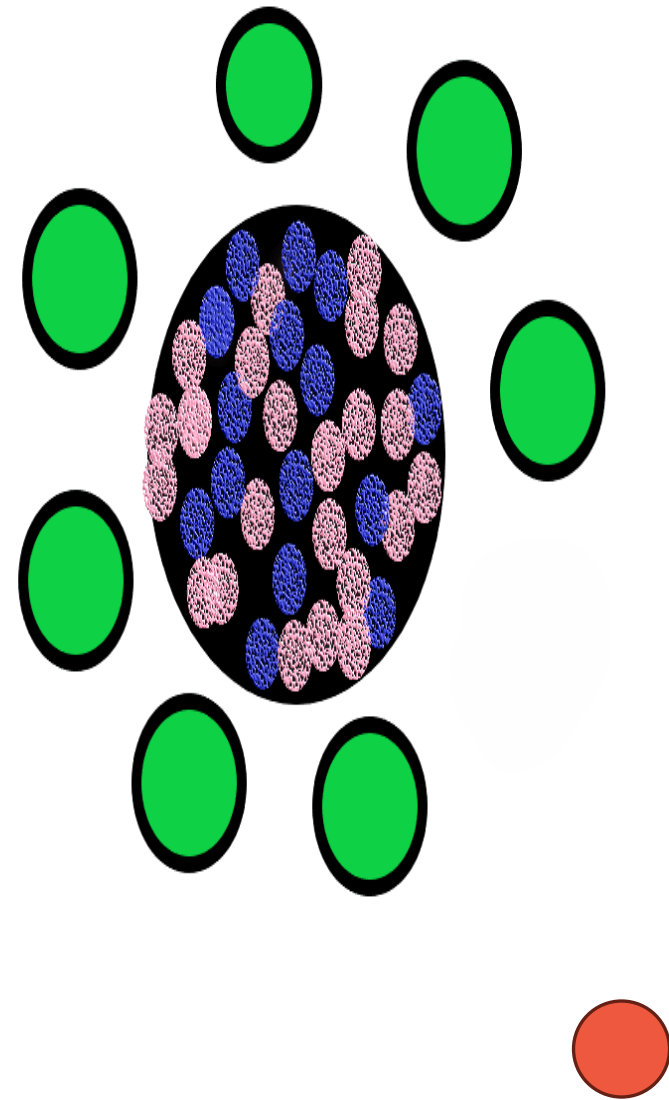
Recompense models vary widely. Victoria offers individuals up to \$100,000. Tasmania established a \$5 million ex-gratia fund

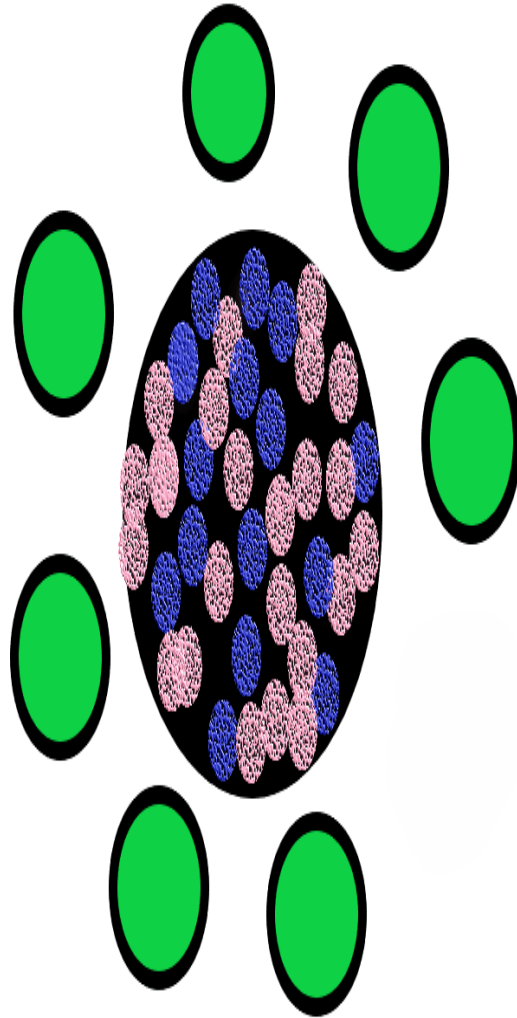
Eligibility criteria variability

Different cut-off dates, causing inconsistent recognition of Stolen Generation Survivor's harm

Need for standardisation

Discrepancies highlight the importance of a consistent approach for fairness





Non-Financial Supports

Varied Support Services

Non-financial supports differ, including counselling, healing programs, and access to historical records

Truth-Telling Initiatives

States and territories differ in approaches. Apologies are significant but not sufficient. Words and actions are both necessary

Aim

Comprehensive, culturally appropriate, trauma-informed support beyond financial compensation



Queensland's Lack of a Redress Scheme

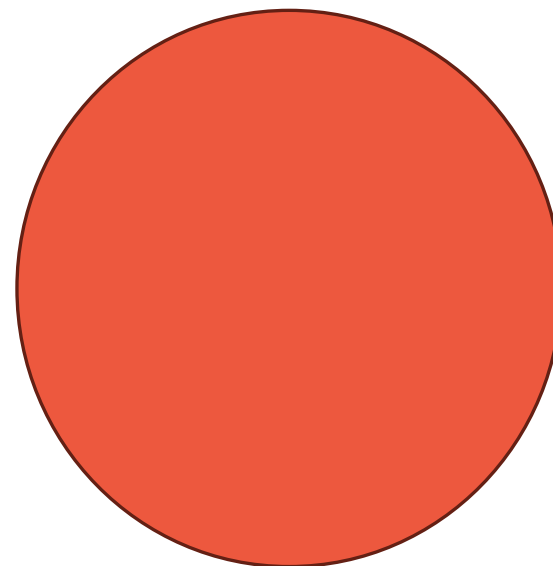
In Queensland, there is a lack of formal redress, despite a significant population of Stolen Generation survivors

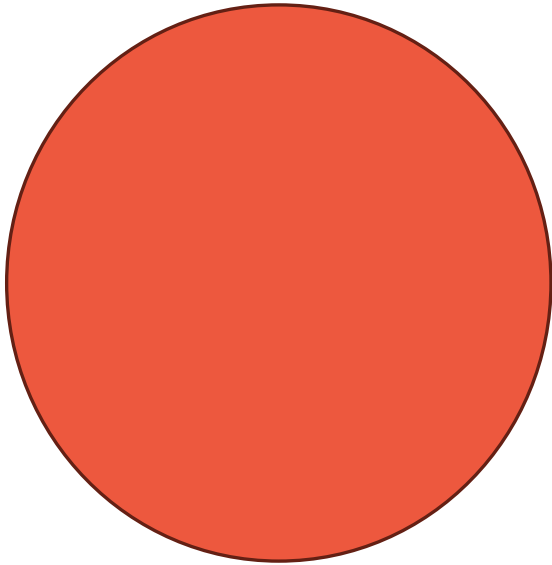
Impact

Survivors remain uncompensated and unsupported by the state, perpetuating trauma and systemic inequality

Need for Wider, Sustained Advocacy

Urgent advocacy is needed to establish a Queensland-specific redress scheme for Stolen Generation Survivors aligned with best practices





One Example of Practical Reconciliation

After his election in 2024, LNP Premier David Crisafulli repealed the *Path to Treaty Act Qld* and abandoned the Truth and Healing Inquiry. Crisafulli's government said they wanted a "fresh start" for the state's Indigenous peoples, announced that funds previously dedicated to the Treaty process would instead be reallocated to "projects and programs that improve the lives of Aboriginal and Torres Strait Islander people in Queensland"

In Queensland, there is an opportunity to actively demonstrate what his government called "practical reconciliation" through the creation of a redress scheme for Stolen Generations Survivors

Guiding Principles for a Fair and Inclusive Scheme

Equity, cultural safety, and trauma-informed care form the foundation of fair redress schemes

Financial Compensation

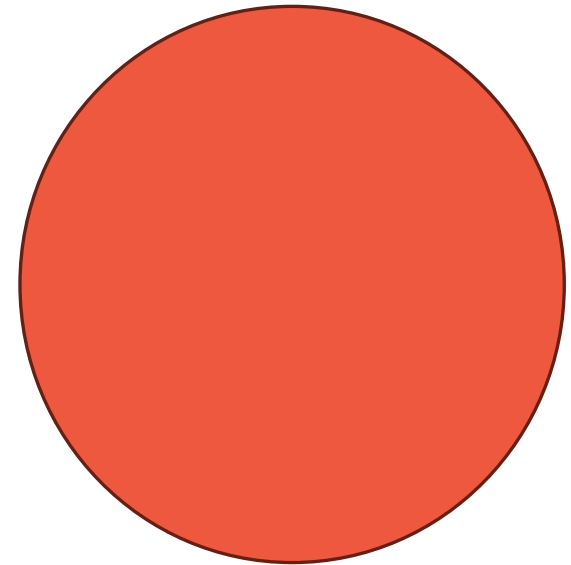
Compensation should be equitable and consistent, with a minimum benchmark of \$100,000 across jurisdictions

Non-Financial Supports

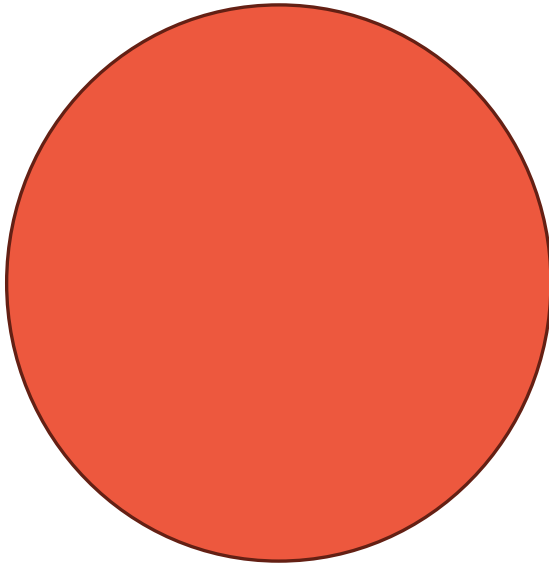
Include counselling, healing programs, access to records, truth-telling, and memorialisation opportunities

Community Co-Design

Indigenous communities must co-design the scheme to ensure it reflects their needs and values

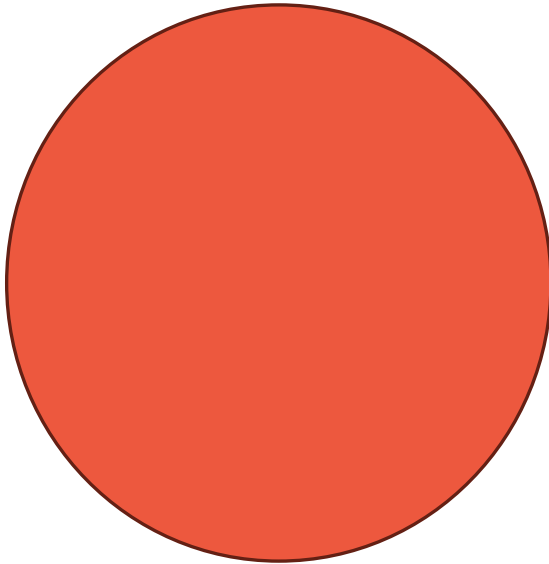


14 Best practice features of a redress scheme



- Redress schemes should have no closing date, as this is an arbitrary limitation on the duration of suffering and need for redress
- Individual compensation of \$100,000 for an Indigenous person who was removed from his or her family during childhood by compulsion, duress or undue influence. Noting that Bruce Trevorrow sued the South Australian Government for compensation as a Survivor and the Supreme Court of South Australia approved \$775,000 in damages. Other Stolen Generation individual litigation has not been successful.
- Funeral fund payments of \$10,000
- Ability for children, descendants and communities to apply. Communities can suffer from these policies through cultural and community disintegration. Descendants of those forcibly removed who, as a result, have been deprived of community ties, culture and language, and links with and entitlements to their traditional lands

14 Best practice features of a redress scheme



- A personalised apology
- Healing programs for cultural knowledge
- Reunification funds and assistance
- Reconnection to Country and language programs
- Uniform and fair access to official records
- Assistance to record and share Survivor stories
- Memorialisation and inscription of institutional sites
- Trauma informed counselling, including financial counselling and access to legal services
- Legislative change is still needed to enshrine the Aboriginal Child Placement Principle in each state and territory. Legislative recognition is incomplete in Tasmania, Western Australia, the Australian Capital Territory (ACT) and Queensland

Bibliography

K Colsell and Olivera Simić, “‘It’s Not About the Money—Stop the Trauma’: Victims’ Responses to Reparations in Argentina and Australia’ (2022) 23 Human Rights Review 1.

Chris Cunneen, ‘Reparations and Restorative Justice: Responding to the Gross Violation of Human Rights’ in *Restorative Justice and Civil Society* (Cambridge University Press, 2001) 83.

Anna Durbach, ‘Repairing the Damage: Achieving Reparations for the Stolen Generations’ (2002) 27(6) *Alternative Law Journal* 277.

Anna Durbach, ‘Reconciliation and Justice: Reparations for the Stolen Generations’ (2008) (94) *Precedent* 28.

Anna Durbach, ‘The Cost of a Wounded Society: Reparations and the Illusion of Reconciliation’ (2008) 12 *Australian Indigenous Law Review* 27.

Andrew Gunstone, ‘Indigenous Australians and the Stolen Generations’ in *Handbook of Indigenous Peoples’ Rights* (Routledge, 2016) 301.

Andrew Gunstone, ‘Reconciliation, Reparations and Rights: Indigenous Australians and the Stolen Generations’ in *Handbook of Indigenous Peoples’ Rights* (Routledge, 2016) 301.

K Mayberry, ‘Searching for Justice for Australia’s Stolen Generations’ (2021) 22 *Chicago Journal of International Law* 347.

S Pritchard, ‘The Stolen Generations and Reparations’ (1998) 21 *University of New South Wales Law Journal* 247.

R Vijayarasa, ‘Facing Australia’s History: Truth and Reconciliation for the Stolen Generations’ (2007) 4(7) *Sur – International Journal on Human Rights* 7.

