

The History of Apologies Down Under

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Last week, Australia's parliament, led by its new Prime Minister, made an official apology to Aboriginal Australians for the wrongs done to them by successive governments. Frank Brennan SJ traces the background to this historic and long-awaited moment. Why was it necessary? And, if it was necessary, why has it only happened now?

On 13 February 2008, the Australian parliament passed a resolution moved by the Prime Minister and seconded by the Leader of the Opposition apologising to Aboriginal Australia. The resolution in part stated:

The time has now come for the nation to turn a new page in Australia's history by righting the wrongs of the past and so moving forward with confidence to the future.

We apologise for the laws and policies of successive parliaments and governments that have inflicted profound grief, suffering and loss on these our fellow Australians.

We apologise especially for the removal of Aboriginal and Torres Strait Islander children from their families, their communities and their country.

For the pain, suffering and hurt of these stolen generations, their descendants and for their families left behind, we say sorry.

To the mothers and the 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.

The first British colony had been established at Sydney Cove on 26 January 1788 when Governor Phillip came ashore with a few boatloads of convicts and their minders. Over time, British sovereignty was asserted over the whole of the Australian continent, including the island of Tasmania. Unlike other colonies, these six Australian colonies were established without any recognition of the pre-existing rights of



the indigenous peoples to their lands. No treaties were negotiated. Aborigines were dispossessed ruthlessly as the pastoral frontier spread across the continent.

Aboriginal reserves were established during the nineteenth century in the remoter parts of Australia providing a place for Aborigines to live while their traditional lands were granted to farmers and cattle grazers who held pastoral leases over

vast areas of fairly unproductive land. The colonial officers back in London often insisted that pastoral leases contain a legal provision permitting continued Aboriginal access to the land for hunting and ceremonial purposes. These provisions were usually honoured in the breach. Early in the twentieth century, the new settlers assumed that the Aborigines would die out. Government policies were designed to smooth the dying pillow. The Aboriginal population had declined from 1 million to about 70,000. But then there was an increasing number of persons being born who had Aboriginal and European heritage. So governments decided on a policy of assimilation.

Remote communities of Aborigines were left to their own devices. However children of mixed descent were to be assimilated into mainstream Australian society, provided with education and work opportunities which to them often seemed more like slave labour. Patrol officers would visit Aboriginal communities and remove children of mixed descent, sometimes with the permission and even at the request of the parents, sometimes having rightly assessed that removal was in the best interests of the child, but often in furtherance of a blanket policy that children of mixed descent were to be removed

regardless of parental wishes and without consideration of what was best for the particular child. Over time, these children themselves became disoriented parents and they and their children became known as the stolen generations.

Prior to 1967, the Australian parliament did not have power to make laws with respect to Aborigines. They came under the exclusive control of the state governments and parliaments. On 27 May 1967, the Australian people voted overwhelmingly to amend the Australian Constitution granting the Australian parliament power to make laws for the benefit of Aborigines. The High Court of Australia later said that this referendum was an affirmation of the will of the Australian people that the odious policies of oppression and neglect were to be put at an end, there being a need for laws and policies to mitigate the effects of past barbarism.

By the end of the 1960s, the assimilation policy was being discredited and governments started looking at policies of integration, self-management and self-determination. Government officials and members of the public were uncomfortable with the idea that white civil servants could, almost at whim, remove an Aboriginal child from family, community and traditional land. Change was in the air.

Parliaments started to legislate for the granting of land titles to remaining Aboriginal communities which had maintained some connection with their traditional lands. 1988 marked the bicentenary of the establishment of the British colony at Sydney Cove. Some wrongly saw it as the bicentenary of the nation. Aborigines delighted in pointing out that they had been living in Australia for at least 40,000 years, and thus they were marking a bicentenary of bicentenaries. The significance of 1788 for many of them was the commencement of their dispossession and marginalisation. The leaders of the Australian churches suggested that the Australian Parliament should recognise the special place of Aborigines and Torres Strait Islanders by the passage of a formal resolution at the opening of the new Parliament House by Queen Elizabeth II on 9 May 1988. There was a large demonstration by Aborigines and supporters when Her Majesty arrived for the formal

proceedings. Eventually a motion was passed three months later as the first item of substantive business in the new Parliament, but alas the Liberal and National Parties refused to vote in favour. This marked the beginning of difficult relations between the major political parties whenever symbolic resolutions of this sort were proposed.

It was not until 1992 that the High Court of Australia recognised in the *Mabo* decision that “native title” to traditional lands existed prior to the assertion of British sovereignty and was able to survive that assertion of sovereignty. This decision was of great significance to many Aboriginal Australians because it meant that land rights was not about their being given something by Parliament as charity or compensation, but about their being recognised by the law of the land as having always been the rightful owners of their traditional lands.

The then Labor Prime Minister Paul Keating negotiated a *Native Title Act* with Aboriginal leaders after giving a speech in Redfern park to mark the commencement of the International Year for the World's Indigenous People. He did not apologise but he made a bold act of recognition which brought high praise from Aboriginal leaders and severe condemnation from the conservative side of the Australian Parliament. He said:

We non-Aboriginal Australians should perhaps remind ourselves that Australia once reached out for us. Didn't Australia provide opportunity and care for the dispossessed Irish? The poor of Britain? The refugees from war and famine and persecution in the countries of Europe and Asia? Isn't it reasonable to say that if we can build a prosperous and remarkably harmonious multicultural society in Australia, surely we can find just solutions to the problems which beset the first Australians - the people to whom the most injustice has been done.

And, as I say, the starting point might be to recognise that the problem starts with us non-Aboriginal Australians.

It begins, I think, with the act of recognition. Recognition that it was we who did the dispossessing. We took the traditional lands and smashed the traditional way of life. We brought the disasters. The

alcohol. We committed the murders. We took the children from their mothers. We practised discrimination and exclusion.

It was our ignorance and our prejudice. And our failure to imagine these things being done to us. With some noble exceptions, we failed to make the most basic human response and enter into their hearts and minds. We failed to ask - how would I feel if this were done to me?

As a consequence, we failed to see that what we were doing degraded all of us.

In the final days of the Keating government, a commission of inquiry was established into the stolen generations. The commission was to present its report at a Reconciliation Convention held in 1997, a year after John Howard had won government for the Liberal and National Parties. Howard was very troubled by a further High Court decision which had expanded the possible claims open to Aborigines under *Mabo*. On the opening day of the Convention, there were calls that non-Aboriginal Australia should apologise to Aboriginal Australia. The day before the publication of the commission's report entitled *Bringing Them Home*, John Howard made his own personal apology but it was not heard, given the high emotions running between him and Aboriginal Australia. He said: "Personally, I feel deep sorrow for those of my fellow Australians who suffered injustices under the practices of past generations towards indigenous people. Equally, I am sorry for the hurt and trauma many here today may continue to feel, as a consequence of these practices".

When later asked to sponsor a parliamentary resolution making a similar apology, John Howard had his Minister for Aboriginal Affairs, John Herron respond: "The Prime Minister acknowledges and thanks you for your support for his personal apology to indigenous people affected by past practices of separating indigenous children from their families. However, the government does not support an official national apology. Such an apology could imply that present generations are in some way responsible and accountable for the actions of earlier generations; actions that were sanctioned by the laws of the time and that were believed to be in the best interests of the children concerned."

When *Bringing Them Home* was launched to great fanfare and heightened emotions at the Reconciliation Convention, the Labor Party Opposition moved promptly to apologise in the Australian Parliament. The Leader of the Opposition proposed a motion that the Parliament "unreservedly apologises to Aboriginal and Torres Strait Islander Australians for the separation policies; and calls upon Federal and State governments to establish, in consultation with the Aboriginal and Torres Strait Islander community, appropriate processes to provide compensation and restitution, including assistance for the reunification of families and counselling services". The Howard government would have no part of it.

The issue festered for two years whereupon an Aboriginal Australian for only the second time in history was elected to the Australian Parliament. John Howard immediately sat down and negotiated a motion with Aboriginal Senator Aden Ridgeway stating that the parliament "acknowledges that the mistreatment of many indigenous Australians over a significant period represents the most blemished chapter in our international history and expresses its deep and sincere regret that indigenous Australians suffered injustices under the practices of past generations, and for the hurt and trauma that many indigenous people continue to feel as a consequence of those practices".

Howard said he would not have Parliament apologise as this would entail an acknowledgment of inter-generational guilt for the wrongs of the past being judged according to the standards of today. This became the firm policy position of the conservative parties. Many of their members who came from the countryside often pointed out that it was the European parents of the stolen generations who themselves were often the individual wrongdoers, and that there were many recent migrants to Australia who were unrelated to members of the stolen generations who had nothing for which they needed to say sorry.

The Labor Party Opposition moved an unsuccessful amendment to the 1999 Howard resolution noting that the Parliament "unreservedly apologises to indigenous Australians for the injustice they have suffered, and for the hurt and trauma that many

indigenous people continue to suffer as a consequence of that injustice; and calls for the establishment of appropriate processes to provide justice and restitution to members of the stolen generation through consultation, conciliation and negotiation rather than requiring indigenous Australians to engage in adversarial litigation in which they are forced to relive the pain and trauma of their past suffering”.

With the standoff in Parliament, members of the stolen generations brought test cases in the courts. But it was not until August 2007 that the first case succeeded. Bruce Allan Trevorrow, now 50, was awarded more than half a million dollars in damages by the Supreme Court of South Australia because, at the tender age of 13 months, he was falsely imprisoned and "dealt with by the state without lawful authority in a manner that affected his personal wellbeing and freedom". He was taken to hospital on Christmas Day 1957, made a good recovery within the week, but was then handed by state authorities to a white foster family with whom he remained for 10 years. In July 1958, Trevorrow's mother wrote to the state welfare officer asking "if you will let me know how baby Bruce is and how long before I can have him home". The welfare officer replied that he was "making good progress but as yet the doctor does not consider him fit to go home”.

During the 2007 election campaign the new Labor Leader Kevin Rudd said that he would take action to have the Australian Parliament apologise to the stolen generations. The Rudd government was elected on 24 November 2007 and its first item of substantive business in the new Parliament was the motion of apology, but without any special provision for compensation which will still be a matter for the courts and for state governments which were responsible for most of the unauthorised removals. All state and territory parliaments have long since passed motions of apology. Rudd told the Australian Parliament:

These stories (of the stolen generations) cry out to be heard; they cry out for an apology.

Instead, from the nation's Parliament there has been a stony, stubborn and deafening silence for more than a

decade; a view that somehow we, the Parliament, should suspend our most basic instincts of what is right and what is wrong; a view that, instead, we should look for any pretext to push this great wrong to one side, to leave it languishing with the historians, the academics and the cultural warriors, as if the stolen generations are little more than an interesting sociological phenomenon.

But the stolen generations are not intellectual curiosities. They are human beings, human beings who have been damaged deeply by the decisions of parliaments and governments. But, as of today, the time for denial, the time for delay, has at last come to an end.

The nation is demanding of its political leadership to take us forward. Decency, human decency, universal human decency, demands that the nation now step forward to right an historical wrong. That is what we are doing in this place today.

But should there still be doubts as to why we must now act, let the Parliament reflect for a moment on the following facts: that, between 1910 and 1970, between 10 and 30% of indigenous children were forcibly taken from their mothers and fathers; that, as a result, up to 50,000 children were forcibly taken from their families; that this was the product of the deliberate, calculated policies of the state as reflected in the explicit powers given to them under statute; that this policy was taken to such extremes by some in administrative authority that the forced extractions of children of so-called mixed lineage were seen as part of a broader policy of dealing with the problem of the Aboriginal population.

The nation through its parliament has moved from a denial of inter-generational guilt to an embracing of inter-generational responsibility for the bad as well as the good that has been done in our name "Australia". The last word on the apology was spoken not by the parliamentarians who, alas, do not presently number an Aborigine in their midst, but by those Aboriginal people in attendance wearing the black T shirts emblazoned with just one word, "Thanks". The nation is all the better for an apology graciously offered by both sides of Parliament and graciously received by the stolen generations and their many supporters.

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