

## ROSS MACGREGOR REPLIES:

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Oh dear. As to this new material —

1. There is nothing in it to alter the fact that on the authors' own evidence half of the forcibly removed children (FRC) have vanished into the broad Australian community and thereby escaped the National Aboriginal and Torres Strait Islander Survey (NATSIS) net, nor to avoid the corollary that the omission of data on this significantly different moiety tips over the authors' conclusions. There was no criticism from me about NATSIS — only of the authors for trying to stretch its findings over all 'stolen children' and so ending up comparing half a chalk with a whole cheese.

2. The authors continue to assume that the one thing the FRC have in common — forcible removal in childhood — is the critical determinant of later socio-economic outcome. Yet revelations from a pre-ZZ and post-ZZ analysis enable us to discern other significances, for example, that all the NATSIS data on age groups 0 to 35 pertain only to persons taken post-ZZ and put into welfare or juvenile detention, that is, to a cohort which could scarcely be imagined as more predictably heading for poor socio-economic outcomes vis-à-vis their peers who stay at home or avoid trouble. Is it not conceivable that a common background of neglect and crime, rather than race or 'separation', provides the real clue? Further, because of the varying dates of the ZigZag, large chunks of data on the over 35 groups must also be on persons grievously neglected or criminally challenged in childhood for whom judicial removal was only the last even in misfortune. Are white statistics any different?

3. Reparation to all FRC by way of lump sums and damages was not my idea but a specific recommendation of *Bringing Them Home*. It should be more broadly made known that by reason of HREOC's definition of FRC, the beneficiaries will include last week's teenage car thief convicted and sentenced to detention who, if all this largess comes to pass, will be enriched for no other reason than that by breaking the law he was separated 'forcibly' from his family.

4. The prefatory reference to 'forcible separation' in the NATSIS question was not overlooked but it doesn't fully tighten the net, in two regards:

(a) There is no necessary congruence between the objective and legal components of a 'forcible separation', and the interviewees' personal perception of the circumstances of departure: with the question dropped cold they will be disposed to answer subjectively. HREOC struggled with the terms given its reference — 'compulsion, duress or undue influence' — which led into a question of law, solvable only by full facts, and otherwise surrounded by a large grey area that in many cases proved unfathomable. For instance,

‘undue influence’ usually involves an apparent consent and an *absence* of force. What of the degrees of influence applied to get a child away to school or to a mission to learn a job? Or to get a mother to release a child for adoption? From a child’s angle, ‘forcible’ may be the very word that come to mind recalling being carted off screaming to schooling which his family freely wanted for him, while a child callously but calmly kidnapped might not, depending on the circumstances, look back on the event as ‘forcible’. Would a youth really characterise his detention for an offence he truly repents as a ‘forcible separation’ rather than as just desserts?

(b) How many interviewees really know? Many, perhaps most, were of tender years (two thirds of HREOC’s witnesses were taken under the age of six) and would have no or little direct knowledge of the full story. They would thus be dependent on hearsay gleaned often much later in life from people who may or may not be informed or dispassionate. The children were often lied to. One simple sentence is not a substitute for the careful series of questions that it would be necessary to put, not just to interviewees but to their families and the missions or governments concerned, before an informed judgement on the true status of the removal in question could be made.

5. I venture to say that no public consensus exists upon either the meaning or usage of the two phrases using the word ‘stolen’ — stolen children and stolen generation—nor on the categories imported by FRC, save in respect of one tiny subgroup of FRC — those callously kidnapped, an action universally condemned. With government so conspicuously eschewing the S word, it really serves today merely to flag the speaker’s sympathy for Aboriginal causes and in particular an allegiance to the faction calling for *carte balance* compliance with all HREOC’s heady recommendations.

6. I criticised HREOC once, and relevantly, for the almost underhand way it conferred FRC-victim status on latter-day welfare and juvenile cases. However, as the authors raise it, I state that I do stand with Ron Brunton as one in his public judgement on the HREOC (*Betraying the Victims*, Institute of Public Affairs Backgrounder, vol. 10/1, February, 1998, Melbourne) that *Bringing them Home* is:

one of the most intellectually and morally irresponsible reports to be presented to an Australian government in recent years.

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