



## **Stolen Generations Redress Victoria A Best Practice Model Victorian Aboriginal Legal Service April 2018**

### **Summary**

The Victorian Aboriginal Legal Service has prepared this discussion paper to summarise a 'best practice' model of redress for the Stolen Generations in Victoria.

Redress for the Stolen Generations in this state continues to be unfinished business, and Victoria remains the only state not to provide redress for this cohort of the Aboriginal community.

During our consultations and conversations, VALS has repeatedly heard that the elders are old, sick and passing away without ever seeing the justice and compensation they rightly are owed.

It is with this urgency in mind that we provide this summary paper of a best practice model for redress, in order to urge the Victorian State Government to act now on this important issue.

*NB: This summary document should be read alongside VALS' previous – and far more extensive – 2017 discussion paper on Redress for Victoria's Stolen Generations, and also alongside VALS' 2015 submission to the Victorian State Government based on community consultations on redress.*

### **Background**

- It has been 20 years after the release of the *Bringing Them Home* report and 10 years after Kevin Rudd's National Apology, and Victoria remains the only state not to have some form of redress for the Stolen Generations.
- The Victorian Aboriginal Legal Service has been actively working with members of the Stolen Generations since 2013, as part of a community response to the Royal Commission into Institutional Responses to Child Sexual Abuse.
- As part of this, VALS also responded to the public discussion paper on redress that was initiated by the Victorian government as a response to recommendation 28.1 made in the State inquiry report *Betrayal of Trust* in 2015.
- The public discussion paper – titled 'A Victorian redress scheme for institutional child abuse' – included a provisional agreement that 'cultural abuse' should be included as a means to address the significant cultural losses that were incurred on Aboriginal families and communities through forcible removal policies (page 11).
- VALS' response to this public paper was to commence a successful number of community consultations in 5 regions and 3 prisons, resulting in a final report that also included comprehensive desktop legal review of redress schemes in other jurisdictions.

- From these consultations and research, VALS then developed the 2017 Redress Discussion Paper which has been presented to both the Premier and Minister for Aboriginal Affairs.
- The recent Royal Commission into Institutional Responses to Child Sexual Abuse, plus the establishment of a Stolen Generations redress fund in New South Wales has prompted a spike in inquiries from community members about the options for redress and compensation in Victoria.
- VALS has also been driving a number of community information sessions on the twin issues of redress and compensation together with partners such as Link Up Victoria, the Victorian Aboriginal Health Service and Victorian Aboriginal Child Care Agency.
- VALS has also partnered with Maurice Blackburn Lawyers in order to provide the necessary legal advice as per civil litigation options for community members in lieu of there being an established redress scheme.

## **Redress: A Best Practice Model**

Based on community consultation and extensive comparative research, the Victorian Aboriginal Legal Service proposes the following 'best practice' model of redress.

The information contained in this paper is the result of community consultation and comparative research, including the key themes of eligibility; proposed cut-off date for applicants; potential numbers of applicants; application process; and what should be offered in redress.

VALS also proposes a Truth and Justice (*'truth-telling'*) component to any redress scheme, in order for people to have their chance to tell their story, and have their harmful experiences acknowledged by government.

### ***Who would be eligible?***

- Anyone who can confirm Aboriginality and institutionalisation in a Victorian context, as per Victorian legislation, including foster care, adoption, orphanage, church run home, as a ward of the state or adoptee of the state.

*NB: The 'test' for how both of these eligibility requirements – Aboriginality and institutionalisation – should be proven, is yet to be determined, and will require further discussion and consultation with the community.*

### ***What should be the cut-off date for applications?***

- Given the purpose of redress is to compensate for loss of culture, it is appropriate that the cut-off date reflect adequate and purposeful attempts by government to rectify the loss of culture due to child removal in legislation.
- As such, VALS recommends that anyone removed prior to 1989 when *Children and Young Persons Act 1989* (Vic) was introduced. The Act requires the welfare department to involve 'relevant members' of the child's Aboriginal community in case planning (section 119(1)(m)(i)).

*NB. other cut-off dates have been proposed; see Appendix 1*

### ***How many people might be eligible?***

- Based on the best practice cut-off date of 1989, if redress were to be offered in 2019, for example, this would include any Aboriginal person 30 years and above.
- As per ABS population projections, the total population of Aboriginal people in Victoria in 2019 would be 21 707, of which an estimated 13 percent were removed as per the ABS 2008 National Aboriginal and Torres Strait Islander Survey.<sup>1</sup>
- As such, under a best practice model, VALS estimates a potential 2822 people might be eligible for the scheme.

*NB. Not all Aboriginal people currently registered as living in Victoria are originally from Victoria, so may not fall under Victorian policies as per the requirements of the redress scheme.*

*NB. VALS has determined estimates of eligible people based on various parameters; see Appendix 1*

### ***The application process should be as simple as possible***

- Forms filled out with relevant information and sent to Aboriginal Victoria office
- Aboriginal Victoria to locate relevant records, with assistance from relevant state and institutional records offices
- Aboriginality to be confirmed, with assistance from Koorie Heritage Family History Unit and other relevant and qualified agencies
- Two-part test confirmed – proof of Aboriginality and proof of removal/ institutionalisation
- Redress amount offered, along with appropriate legal and financial advice
- Ongoing counselling and support services offered

*NB. For family members of deceased, follow similar process and provide proof of relationship to deceased*

*NB. There should also be a mechanism for fast tracking elderly and terminally ill applicants.*

### ***What redress will be offered?***

- Individual payments to successful applicants or distributed to family of deceased a recommended equal amount of \$150 000 per person/ family.
- Funeral, memorial and headstones fund to be made available to eligible applicants
- Community fund for oral histories and other cultural revitalisation projects to be made available to eligible applicants
- Education scholarship fund for children/ grandchildren of successful applicants
- Written apology from Premier/ Aboriginal Affairs Minister
- Therapeutic counselling and support services offered

### ***What support for applicants will be required?***

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<sup>1</sup> Australian Bureau of Statistics, 4714.0 - National Aboriginal and Torres Strait Islander Social Survey, 2008  
<http://www.abs.gov.au/AUSSTATS/abs@.nsf/DetailsPage/4714.02008>

- Counselling services to be funded
- Record finding services by the Department and links with Koorie Heritage Trust; Public Records Office of Victoria; Births, Deaths and Marriages; AIATSIS; Defence records
- Call service for people to access
- Financial advice to be provided to successful applicants who can also assist with payment plan
- Assistance for prisoners to access the scheme and obtain records

***How will people know about the scheme?***

- Marketing and promotion budget to raise awareness
- Capacity to conduct outreach and information sessions in metro and regionally
- Information phone line
- Local community assistance provided to help applicants navigate the scheme eg. through local Aboriginal cooperatives and community controlled organisations.

***Key Stakeholder Arrangements?***

- Increased funding for relevant services to assist clients such as the ALS, Koorie Heritage Trust and Link Up and other Aboriginal co-ops and community controlled organisations
- Arrangements with regards to Centrelink, ATO and Medicare payments
- Funding for Aboriginal Funeral Services
- Funding for Aboriginal counselling services
- Funding for Aboriginal financial advice agency

***Inclusion of a Truth and Justice ('truth-telling') process***

- There should be an opportunity made available for applicants to tell their story, and have their story acknowledged by government and relevant institutions
- This could be similar to the 'private sessions' that were held by the Royal Commission into Institutional Responses to Child Sexual Abuse
- This would not be a mandatory component of the redress scheme, but optional
- Stories could remain private or potentially included in a public document (identified or de-identified)

## Appendix 1: Cut-off dates, eligibility and potential applicant numbers

Cut-off Date (ie. person was removed prior to 31 <sup>st</sup> December of this year)	Parameter for Eligibility	Minimum Age (in 2019)	Total Vic Aboriginal Pop. Of that age group in 2019 (as per 2014 ABS estimates) <sup>2</sup>	13% removed as children in Victoria (as per 2008 ABS estimates) <sup>3</sup>
1967	Abolition of Aborigines Protection Board	52	7745	1007
1970	<i>Bringing Them Home</i> Inquiry cut-off date	49	9429	1226
1976	Child Welfare Records Unique Aboriginal Need/ VACCA established	43	12 764	1659
1983	Initial nationwide discussion and introduction of Aboriginal Child Placement Principle in Northern Territory	36	16 871	2193
1989	The Children and Young Persons Act 1989 (Vic) requires the welfare department to involve 'relevant members' of the child's Aboriginal community in case planning (section 119(1)(m)(i)).	30	21 707	2822

<sup>2</sup> Australian Bureau of Statistics, Data Cube 3238.0 'Estimates and Projections, Aboriginal and Torres Strait Islander Australians, 2001 – 2026 (30 April, 2014) <http://www.abs.gov.au/ausstats/abs@.nsf/mf/3238.0>

<sup>3</sup> Australian Bureau of Statistics, 4714.0 - National Aboriginal and Torres Strait Islander Social Survey, 2008 <http://www.abs.gov.au/AUSSTATS/abs@.nsf/DetailsPage/4714.02008>

Difficulty of ascertaining a cut off date:

- Aboriginal children came under the provisions of the *Children's Welfare Act 1954*
- Any removal of Aboriginal children from their family and community under order of the government from 1957 was conducted under the 'mainstream' child welfare legislation.

Difficulty of ascertaining numbers of removed Aboriginal people:

- Aboriginality was often not recorded due to the assimilationist policy at the time
- Aboriginality was often not recorded due to the 'definition' of Aboriginal at the time
- Lack of comprehensive records – records were lost or discarded
- Removed individuals were not aware of their Aboriginality

*NB. The ABS 2008 National Aboriginal and Torres Strait Islander Survey demonstrated that 13 percent of Aboriginal people living in Victoria had been removed from their relatives, while 46 percent of Aboriginal people surveyed had relatives who had been removed (13.7 percent did not state either way).<sup>4</sup>*

*NB. Australian Bureau of Statistics demonstrates that around 10 percent of Aboriginal and Torres Strait Islander people surveyed nationally said they had been removed as children (survey's conducted in 1994 and 2002).<sup>5</sup>*

*NB. Not all Aboriginal people currently registered as living in Victoria are originally from Victoria, so may not fall under Victorian policies as per removal.*

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<sup>4</sup> Australian Bureau of Statistics, 4714.0 - National Aboriginal and Torres Strait Islander Social Survey, 2008  
<http://www.abs.gov.au/AUSSTATS/abs@.nsf/DetailsPage/4714.02008>

<sup>5</sup> At the 1994 National Aboriginal and Torres Strait Islander Survey, 10% of Indigenous people aged 25 years or over reported that they had been taken away from their natural family. The same result (10%) was recorded for the closest equivalent age cohort group (35 years or over) in 2002. Both the 1994 and 2002 surveys recorded that 8% of Indigenous people aged 15 years or over at the time of the surveys, had been taken away from their natural family. Australian Bureau of Statistics, 4714.0 - National Aboriginal and Torres Strait Islander Social Survey, 2002 <http://www.abs.gov.au/AUSSTATS/abs@.nsf/Lookup/4714.0Main+Features12002>

## Appendix 2: Other Australian Redress Schemes for Comparison

### Queensland (2007)

In 2007 the Queensland government introduced a redress scheme for both Indigenous and non-Indigenous survivors of institutional child abuse.<sup>6</sup> This was in response to recommendations made by the 1999 Forde Inquiry.<sup>7</sup> Reparations were made by ex gratia payments ranging from \$7000 to \$40 000, with \$100 million set aside for the scheme.<sup>8</sup>

A 2-tiered system of payments was instituted, with Level 1 requiring applicants to show they were living within a government or non-government institution, and had experienced institutional abuse or neglect.<sup>9</sup> Level 2 required an independent panel of experts find more serious harm had been suffered.<sup>10</sup>

On accepting an offered payment, applicants were to sign a Deed of Release to indemnify the government from further litigation.<sup>11</sup>

#### Pros

- The Level 1 payment required proof only of residence in an institution and a statement that the applicant is someone 'who self-identified as having experienced that abuse or neglect.'<sup>12</sup>
- Free legal advice was provided for applicants to consider the signing of Deed of Release.<sup>13</sup>
- Judicial Review was available for decisions made by the applications assessor.<sup>14</sup>

#### Cons

- The scheme did not provide for any access-to-documents assistance, leaving applicants to make FOI requests in order to access their documentation of time in residential care.<sup>15</sup>
- Not all forms of state care were covered by the scheme.<sup>16</sup> Notably, foster care was outside the redress scheme, and acknowledgement of wrongful removal or cultural loss was not included for Aboriginal and Torres Strait Islander peoples.
- The scheme only remained open from 1 October 2007 to 30 September 2008, giving a limited (one year) opportunity to make an application.<sup>17</sup>

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<sup>6</sup> Ryan Carlisle Thomas Lawyers, Submission on Civil Litigation and the Barriers to Justice for Victims of Institutional Abuse, *Royal Commission into Institutional Responses to Child Sexual Abuse*, 17 March 2014, 31.

<sup>7</sup> Ryan Carlisle Thomas Lawyers, 2014, 31.

<sup>8</sup> *Ibid*, 31.

<sup>9</sup> *Ibid*, 31.

<sup>10</sup> *Ibid*, 31.

<sup>11</sup> *Ibid*, 31.

<sup>12</sup> *Forgotten Australians Report*, 2009, 38.

<sup>13</sup> Stephen Winter, 'Australia's Ex Gratia Redress' (2009), 13 *Australian Indigenous Law Review*, 49, 52.

<sup>14</sup> *Forgotten Australians Report*, 2009, 39.

<sup>15</sup> *Ibid*, 123.

<sup>16</sup> *Ibid*, 51.

<sup>17</sup> Ryan Carlisle Thomas Lawyers, 2014, 31.

### ***Tasmania (2008)***

The Tasmanian Stolen Generations reparation scheme was introduced in 2006 and provided \$5 million for ex gratia payments to those removed as children, or the children of deceased members of the Stolen Generations.<sup>18</sup>

Of 151 claims made, 106 were assessed as eligible and 84 received a sum of \$58 333.<sup>19</sup> 21 children of deceased members of the Stolen Generations made claims and received either \$4000 or \$5000 in compensation.<sup>20</sup>

Payments were made with the goal to compensate for the harm caused by removal from family and loss of culture.<sup>21</sup>

#### ***Pros***

- The scheme directly addressed assimilatory policies in child removal, not limiting itself to abuse suffered in care like the other state schemes.<sup>22</sup>
- Adopted children appeared to have had reasonable access to the scheme.
- Counselling was provided to applicants throughout the process.<sup>23</sup>
- No indemnity for the state was required to access the redress payments.<sup>24</sup>

#### ***Cons***

- The scheme's overall focus appears more focused on individual compensation, than reparation for the whole community.
- Some claimants failed as they had not been removed from their families for longer than 12 months,<sup>25</sup> while some applicants failed due to unconfirmed Aboriginality.<sup>26</sup>
- Ten claimants failed as they had been removed after 1975.<sup>27</sup> No explanation was given as to why the redress scheme cut-off date was 1975.
- The scheme was only open to applications' for a 6 month period, limiting the capacity to put in an application.

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<sup>18</sup> Office of the Stolen Generations Assessor, 'Report of the Stolen Generations Assessor: Stolen Generations of Aboriginal Children Act 2006', 2008, 2.

<sup>19</sup> Assessor's Report, 2006, 2.

<sup>20</sup> Ibid, 2.

<sup>21</sup> Ibid, 2.

<sup>22</sup> Stephen Winter, 'Australia's Ex Gratia Redress' (2009), 13 *Australian Indigenous Law Review*, 49, 50.

<sup>23</sup> Lawry, 2010, 89.

<sup>24</sup> Winter, 2009, 56.

<sup>25</sup> Assessor's Report, 2006, 13.

<sup>26</sup> Ibid, 13.

<sup>27</sup> Ibid, 13.

## **Western Australia (2008)**

The Western Australian redress scheme (Redress WA) came about in the context of growing awareness of child migrants, and wards of the state in institutional care.<sup>28</sup>

While it was clear Aboriginal people would make applications under the scheme, by the language employed, Redress WA did not specifically seek to provide redress to the Stolen Generations.

### *Pros*

- Aboriginal claims made up about half the applications.
- Advertisements were placed in Indigenous newspapers, and the Aboriginal community appeared to be organised in helping applicants put in claims.<sup>29</sup>
- Legal advice was paid for by Redress WA up to a maximum of \$1000.

### *Cons*

No financial assistance was provided once a payment was made,<sup>30</sup> and only lump sum payments were granted, without provision of periodic payments.

- The scheme put significant pressure on the department responsible for most records, delaying the claims process.<sup>31</sup>
- The narrow two-month window in which to place a claim was a significant barrier to justice.<sup>32</sup>
- The department responsible expected up to 10,000 applications however in the end it was little more than 3000.<sup>33</sup>
- Anecdotally the process of applying was traumatic<sup>34</sup> and while some counselling services were provided during the scheme (3 hours free counselling service), this was withdrawn.
- Wrongful removal and cultural loss were not a recognised harm within the Redress Scheme.<sup>35</sup>

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<sup>28</sup> Senate Community Affairs Committee, Australian Parliament, 'Forgotten Australians' and 'Lost Innocents': child migrants and children in institutional care in Australia, 2009. (*Forgotten Australians Report*)

<sup>29</sup> Western Australia Aboriginal Legal Service, 'ALSWA's Report Card reveals the Barnett Government has FAILED', 7 March 2013, <[http://www.als.org.au/index.php?option=com\\_content&view=article&id=263:alswas-report-card-reveals-the-barnett-government-has-failed&catid=13:media-releases&Itemid=46](http://www.als.org.au/index.php?option=com_content&view=article&id=263:alswas-report-card-reveals-the-barnett-government-has-failed&catid=13:media-releases&Itemid=46)>.

<sup>30</sup> CLAN, 'Support Services for Redress WA'.

<sup>31</sup> *Forgotten Australians Report*, 2009.

<sup>32</sup> *Forgotten Australians Report*, 2009.

<sup>33</sup> *Forgotten Australians Report*, 2009.

<sup>34</sup> ABC, 9 September 2011.

<sup>35</sup> Chiara Lawry, 'Moving beyond the Apology: Achieving Full and Effective Reparations for the Stolen Generations', (2010) 14 *Australian Indigenous Law Review*, 83, 89.

### ***South Australia (2016)***

The South Australian Stolen Generations reparations scheme (Next Step) commenced in March 2016 and closed the application process in March 2017.

The South Australian redress scheme provided a \$6 million fund for ex gratia payments to members of the South Australian Stolen Generations and a \$5 million fund for community reparations.

Ex gratia members were capped at \$50,000.

Payments were made to an Aboriginal person removed without a court order from their family as a child prior to December 31, 1975.

#### *Pros*

- Anecdotally a lot of community engagement was conducted to inform Aboriginal communities about the scheme.
- Assistance to obtain legal advice – up to \$1,000 – was made available.
- Individual payments as well as community funding was provided.

#### *Cons*

- Individuals who received an offer and accepted it were will be required to sign a deed releasing the State from legal liability for their removal.
- A limited 12 month window for applicants to apply.
- Redress only made for *unlawful* removals (without a court order), which undermines the purpose of a redress scheme which is to acknowledge past, lawful governmental mistakes.
- Successful applicants may have fines owed to the state deducted from their awarded sum.

### ***New South Wales (2017)***

The Stolen Generations survivor reparations scheme will provide ex gratia monetary payments of up to \$75,000 and a personal letter of apology from the Premier and Minister for Aboriginal Affairs.

Eligibility will be based on the act of removal or committal to the Aborigines Welfare Board between 1925 and 1969, which includes 'all those removed from homes, fostered or adopted.'<sup>36</sup>

The scheme commenced in July 2017.

The scheme will be operational for at least five years and will accept a broad range of evidence as proof of removal, including statutory declarations, oral evidence, photos and corroborative evidence.

#### *Pros*

- The scheme will be operational for at least five years, which will allow survivors time to prepare a claim and for information about the scheme to be advertised and dispersed.
- The NSW Government accepted the recommendation from *Unfinished Business* that it review the access and management of records relating to the Stolen Generations, and committed to streamlining access to Aborigines Welfare Board records.<sup>37</sup>
- Individual payments as well as funding for community projects (eg. funeral fund) will be provided.

#### *Cons*

- Applicants limited only to being removed under the Aborigines Welfare Board prior to 1969. This precludes any Aboriginal person removed after 1969 from making a claim, or who may be Aboriginal but were removed under mainstream child welfare Acts prior to 1969.
- The NSW scheme is only available to survivors not descendants.
- No provision for an appeal and no provision in the review process that provides the claimant with the opportunity to submit additional evidence.
- There will be no legal assistance provided to claimants.

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<sup>36</sup> Government Response to Unfinished Business, 17

<sup>37</sup> Government Response to Unfinished Business, 15.

### Appendix 3: The History

**1837** Church Missionary Society sets up the Yarra Mission for Aboriginal children near present-day Melbourne.

**1838** Port Philip Protectorate established (early Victoria).

**1838** Aborigines Protection Society formed in 1838 as reports of mistreatment and murder of Aboriginal people filters back to the 'home office' in England.<sup>38</sup>

**1839** Yarra Mission closes down.

**1851** Colonial population of Victoria around 95 000.

**1858** Colonial population of Victoria over 500 000.<sup>39</sup>

**1858** *Report of the Select Committee of the Victorian Legislative Council on Aborigines* recommends that a system of reserves be established in remote areas of the colony to 'protect' Aboriginal people.

**1863** Aboriginal population declines from an estimated 15 – 30 000 prior to colonisation,<sup>40</sup> to roughly 2000.<sup>41</sup>

**1864** *Neglected and Criminal Children's Act* introduced due to the aftermath of the gold rush; first of many children's institutions created (Ballarat Orphanage).

**1869** First law passed specifically concerning the removal of Aboriginal children - the *Aborigines Protection Act* - by which the Governor could make regulations for the 'care, custody and education of the aborigines.' Aborigines Protection Board established.

**1871** *Aborigines Protection Act* amended to include regulations by which the Governor 'may order the removal of any child neglected by its parents or left unprotected to any of the places of residence or to an industrial or reformatory school.'<sup>42</sup>

**1886** Act extended the coverage of the 1869 legislation to 'all other persons whatever of mixed aboriginal blood.'<sup>43</sup>

**1890** *Aborigines Act* introduced, consolidating the previous Acts. Additional scope of regulation is also added, by which the Governor may regulate 'the conditions on which half-castes' may 'obtain and acquire Crown land.'<sup>44</sup>

**1899** *Aborigines Act* ensures that the Governor may order the removal of any 'aboriginal child left

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<sup>38</sup> To put it in context, the Slave Emancipation Act had been passed in 1834 – the welfare of colonised and enslaved peoples throughout the British Empire was on the agenda.

<sup>39</sup> State Library of Victoria website *Impact of Immigration*.

<sup>40</sup> Some estimates have put the population of Aboriginal people in Victoria as high as 60 000. Source: Report released by the State Government of Victoria: *Victorian Aboriginal Affairs Framework 2013-1018 Building for the future: a plan for 'Closing the Gap' in Victoria by 2031* pg 7.

<sup>41</sup> *Second Step: Engaging Students with the Stolen Generations* (Stolen Generations Victoria, 2008).

<sup>42</sup> *rightsED: Bringing Them Home* (Australian Human Rights Commission).

<sup>43</sup> *Aboriginal Protection Act 1886* (Vic), accessed at: [http://www.austlii.edu.au/au/legis/vic/hist\\_act/tapa1886265/](http://www.austlii.edu.au/au/legis/vic/hist_act/tapa1886265/).

<sup>44</sup> *Aborigines Act 1890* (Vic), accessed at: [http://www.austlii.edu.au/au/legis/vic/hist\\_act/aa1890110/](http://www.austlii.edu.au/au/legis/vic/hist_act/aa1890110/).

neglected by its parents, or left unprotected'<sup>45</sup> to an 'industrial or reformatory school.'<sup>46</sup>

**1910** *Aborigines Act 1910* gives the Aborigines Protection Board equal powers over 'half-castes' for 'all or any of the powers conferred on the Board with regard to aboriginals.'<sup>47</sup>

**1915** *Aborigines Act 1915* regulates employment and residence for Aboriginal peoples.<sup>48</sup>

**1928** *Aborigines Act 1928* explicitly states a 'duty of the board' is to 'provide for the custody, maintenance and education of children of aboriginals.'<sup>49</sup>

**1957** *Aborigines Act 1957* Aboriginal Welfare Board formed,<sup>50</sup> however child removal is not explicitly stated as a power.

**1960** *Social Welfare Act* passed which deals generally with the welfare of children with no specific provisions for Aboriginal children.

**1967** Ministry for Aboriginal Affairs is established and the Protection Board abolished but there is no scope for this Ministry to authorise any child removal.<sup>51</sup>

**1970** Aboriginal children specifically referred to as being subject to the *Social Welfare Act* but there are no specific provisions relating to them.

**1989** *Children's and Young Person's Act* introduces principles of case planning for Aboriginal children that require members of the Aboriginal community to which the child belongs to be involved in the decision making process.

**2005** *Children Youth and Families Act* makes provisions which specifically relate to Aboriginal children, including the Aboriginal Child Placement Principles (ACPP) which aim to ensure that Aboriginal children are placed with and maintain contact with the Aboriginal community and culture.

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<sup>45</sup> Executive Council, *Aboriginal Act 1890* Regulations, in Victoria, *Victorian Government Gazette*, No 113, 23 September 1908, Regulation 13, p. 4707, accessed at [http://gazette.slv.vic.gov.au/view.cgi?year=1908&class=general&page\\_num=4693&state=V&classNum=G113](http://gazette.slv.vic.gov.au/view.cgi?year=1908&class=general&page_num=4693&state=V&classNum=G113).

<sup>46</sup> Executive Council, *Aboriginal Act 1890* Regulations, in Victoria, *Victorian Government Gazette*, No 113, 23 September 1908, Regulation 13, p. 4707, accessed at [http://gazette.slv.vic.gov.au/view.cgi?year=1908&class=general&page\\_num=4693&state=V&classNum=G113](http://gazette.slv.vic.gov.au/view.cgi?year=1908&class=general&page_num=4693&state=V&classNum=G113).

<sup>47</sup> *Aborigines Act 1910* (Vic), accessed at [http://www.foundingdocs.gov.au/resources/transcripts/vic7ii\\_doc\\_1910.pdf](http://www.foundingdocs.gov.au/resources/transcripts/vic7ii_doc_1910.pdf).

<sup>48</sup> *Aborigines Act 1915* (Vic), accessed at [http://www.austlii.edu.au/au/legis/vic/hist\\_act/aa1915110/](http://www.austlii.edu.au/au/legis/vic/hist_act/aa1915110/).

<sup>49</sup> Executive Council, *Aborigines Act 1928* Regulations, in Victoria, *Victorian Government Gazette*, No 100, 13 May 1931, Regulation 21, p. 1558, accessed at [http://gazette.slv.vic.gov.au/view.cgi?year=1931&class=general&page\\_num=1537&state=V&classNum=G100](http://gazette.slv.vic.gov.au/view.cgi?year=1931&class=general&page_num=1537&state=V&classNum=G100).

<sup>50</sup> *Aborigines Act 1957* (Vic).

<sup>51</sup> *Aboriginal Affairs Act 1967* (Vic).