

Hundreds prepare to sue for 'stolen' Aboriginal lives

By DEBRA JOPSON

Seven hundred West Australian Aborigines are poised to sue the State Government for being removed from the families as children, their solicitor, Mr Tony Buti, revealed yesterday.

As the number of indigenous members of the "stolen generations" suing Australian governments swelled to about 1,500 yesterday, the Public Interest Advocacy Centre also revealed another nine NSW cases were in the pipeline.

The director of the centre, Ms Andrea Durbach, confirmed that five private law firms had been briefed to give advice on taking nine test cases to the NSW Supreme Court.

Criticising the Prime Minister, Mr Howard, for ruling out paying compensation through a board as recommended in the Human Rights Commission report on the "stolen generations", Ms Durbach said the briefs were just the beginning of what could become extensive legal action.

"The Government's response is making the legal option more inevitable, when we didn't think it would be necessary. We didn't

Judge tells world of Australia's shame

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any MP or senator had called for an apology.

Although there was little heat in the long meeting, Mr Wilson Tuckey (WA) criticised the 700-page stolen children report, saying the paper on which it was printed was too expensive, and that Aborigines who were not removed from their families were the real losers.

The stolen children report

want to go this route because it will be costly and unpleasant for everyone," she said.

Mr Buti, who is the human rights solicitor with the Aboriginal Legal Service of Western Australia, revealed that 10 to 20 Aborigines removed in the early 1950s would sue the State Government in the Supreme Court as a test case.

If they are successful, up to 700 other West Australian "stolen children" will then seek to become parties to any settlement, which would include claims to

had gained wide attention at the San Francisco congress even before it began.

One of the world's leading authorities on broken families, Dr Judith Walkerstein, said yesterday she was stunned by the reports from Australia.

Dr Walkerstein, the founder of a US-based research institute, The Centre for Family in Transition, said that as adults the stolen Aboriginal children would

monetary compensation, he said.

Those involved in the test case, who are now aged between their late 30s and mid-50s, will sue the West Australian Government for alleged breach of fiduciary duty, Mr Buti said.

Lawyers were considering seeking damages for "various injuries and loss of family life and culture", he said.

Mr Buti said the West Australian Parliament's official apology last week for the past removal of Aboriginal children would not have any bearing on the Govern-

ment's liability to pay compensation.

"They were not admitting guilt or responsibility. This is where John Howard is off the track," he said. Mr Howard has claimed an official apology would affect compensation claims.

The North Australian Aboriginal Legal Aid Service yesterday added 100 more compensation claims to the 563 writs it has already filed against the Commonwealth alleging negligence and breach of fiduciary duty and seeking unspecified damages.

still be suffering and would feel the world was a "totally unreliable frightening place".

But the Federal Attorney-General, Mr Williams, who is also attending the congress, said he doubted the issue would cause controversy among the delegates.

The Premier, Mr Carr, will issue a full and formal apology to the stolen children in a move which will be supported by the State Opposition on June 18.

A solicitor with the service's Darwin-based Stolen Generations Unit, Mr Matthew Storey, said another 400-500 were being prepared.

At the same time, the service is waiting for the High Court to make a decision in its Kruger case, in which nine Northern Territory Aborigines are challenging the legality of their removal on constitutional grounds. This must be delivered by August.

Meanwhile, the compensation case launched by Mrs Joy Williams against the NSW Government six years ago is still proceeding in the Supreme Court, with the next hearing date not yet fixed.

Mrs Williams, who was taken from her mother when she was 10 hours old, is seeking monetary compensation from the Government for alleged breach of fiduciary duty, negligence and false imprisonment.

The Australian Plaintiff Lawyers' Association has invited Aborigines who wish to claim compensation for damages arising from being taken from their families to contact it for advice on members who can act on a "no win-no pay" basis.

The North Australian Aboriginal Legal Aid Service (NAALAS) is being assisted in preparation of the litigation it has issued on behalf of members of the 'Stolen Generation' by the Melbourne based law firm Holding Redlich. A senior Litigation lawyer and APLA Member from Holding Redlich, Michael Schaefer has emphasised that the claims seek damages for personal injury, including loss of Aboriginality. The first case is anticipated to come to trial in the Federal Court in 1998. Other APLA Members with an interest in representing clients in matters of this nature should inform Tanya Simpson at APLA on (02) 9415 4233 or tsimpson@apla.com

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