

THE STOLEN GENERATION

Part 1 Introduction

So the next thing I remember was that they took us from there and we went to the hospital and I kept asking – because the children were screaming and the little brothers and sisters were just babies of course, and I couldn't move, they were all around me, around my neck and legs, yelling and screaming. I was all upset and I didn't know what to do and I didn't know where we were going. I just thought: well, they're police, they must know what they're doing. I suppose I've got to go with them, they're taking me to see Mum. You know this is what I honestly thought. They kept us in hospital for three days and I kept asking, 'When are we going to see Mum?' And no-one told us at this time. And I think on the third or fourth day they piled us in the car and I said, 'Where are we going?' And they said, 'We are going to see your mother'. But then we turned left to go to the airport and I got a bit panicky about where we were going ... They got hold of me, you know what I mean, and I got a little baby in my arms and they put us on the plane. And they still told us we were going to see Mum. So I thought she must be wherever they're taking us.

X

Our life pattern was created by the government policies and are forever with me, as though an invisible anchor around my neck. The moments that should be shared and rejoiced by a family unit, for [my brother] and mum and I are forever lost. The stolen years that are worth more than any treasure are irrecoverable.

X

The histories we trace are complex and pervasive. Most significantly the actions of the past resonate in the present and will continue to do so in the future. The laws, policies and practices which separated Indigenous children from their families have contributed directly to the alienation of Indigenous societies today.

For individuals, their removal as children and the abuse they experienced at the hands of the authorities or their delegates have permanently scarred their lives. The harm continues in later generations, affecting their children and grandchildren.

The truth is that the past is very much with us today, in the continuing devastation of the lives of Indigenous Australians. That devastation cannot be addressed unless the whole community listens with an open heart and mind to the stories of what has

happened in the past and, having listened and understood, commits itself to reconciliation. As the Governor-General stated in August 1996,

It should, I think, be apparent to all well-meaning people that true reconciliation between the Australian nation and its indigenous peoples is not achievable in the absence of acknowledgment by the nation of the wrongfulness of the past dispossession, oppression and degradation of the Aboriginal peoples. That is not to say that individual Australians who had no part in what was done in the past should feel or acknowledge personal guilt. It is simply to assert our identity as a nation and the basic fact that national shame, as well as national pride, can and should exist in relation to past acts and omissions, at least when done or made in the name of the community or with the authority of government ...

The present plight, in terms of health, employment, education, living conditions and self-esteem, of so many Aborigines must be acknowledged as largely flowing from what happened in the past. The dispossession, the destruction of hunting fields and the devastation of lives were all related. The new diseases, the alcohol and the new pressures of living were all introduced. True acknowledgment cannot stop short of recognition of the extent to which present disadvantage flows from past injustice and oppression ...

Theoretically, there could be national reconciliation without any redress at all of the dispossession and other wrongs sustained by the Aborigines. As a practical matter, however, it is apparent that recognition of the need for appropriate redress for present disadvantage flowing from past injustice and oppression is a pre-requisite of reconciliation. There is, I believe, widespread acceptance of such a need (Sir William Deane 1996 pages 19-21).

Compulsion

A common practice was simply to remove the child forcibly, often in the absence of the parent but sometimes even by taking the child from the mother's arms, or when she was in the hospital having another child.

In a letter to the WA Commissioner of Native Affairs in November 1943, Inspector Bisley of Port Hedland wrote, 'I recommend that this child be removed when she is old enough as she will be probably handed over to some aged blackfellow at an early age'. With respect to the same child, Inspector Neill in Broome wrote to the Commissioner in December 1944, '[t]here may perhaps be an objection to the children being removed from the Hospital without first returning to the Station from which they came as it means breaking faith with the mothers who either left them at the Hospital or sent them in for treatment but knowing how hard it is to arrange for the removal of children such as these

once they are back on the Station I consider it justified, the fact that they have been separated from their mothers for some time already will also make the removal easier for the children'

My mother told us that the eldest daughter was a twin – it was a boy. And in those days, if Aboriginals had twins or triplets, they'd take the babies away. Mum swore black and blue that boy was alive. But they told her that he had died. I only found out a couple of years ago – that boy, the nursing sister took him. A lot of babies were not recorded.

X

I was at the post office with my Mum and Auntie [and cousin]. They put us in the police ute and said they were taking us to Broome. They put the mums in there as well. But when we'd gone [about ten miles] they stopped, and threw the mothers out of the car. We jumped on our mothers' backs, crying, trying not to be left behind. But the policemen pulled us off and threw us back in the car. They pushed the mothers away and drove off, while our mothers were chasing the car, running and crying after us. We were screaming in the back of that car. When we got to Broome they put me and my cousin in the Broome lock-up. We were only ten years old. We were in the lock-up for two days waiting for the boat to Perth.

Duress

'Duress' differs from 'compulsion' in that it can be achieved without the actual application of force. One meaning of 'duress' is 'the infliction of hardship' while another encompasses the threat of such infliction. Definitions commonly refer to *illegally* applied compulsion, a feature which distinguishes duress from compulsion because compulsion can be either legal or illegal. The last feature of duress is that it does not exclude acceptance by those affected by it. Rather the individual submits to what is demanded.

A large number of parents relinquished their children to the care of the Lutheran mission, Koonibba, in South Australia to protect them from being removed by the Protector and placed further away. At Koonibba the parents were permitted limited and supervised access.

I remember another friend of mine in St Ives. She wanted to adopt a little Aboriginal baby. And she was telling me when she got this little one that she went out to the mission and said she wanted a little baby boy. The mission manager said, 'Mrs J has a couple of boys [already], we'll take her third one'. So they adopted that child. If Mrs J would have objected, she said the welfare officer says, 'Well, if you don't give us that child, we'll take the other two'.

X

I joined the [Victorian] Aborigines Welfare Board shortly after a most appalling episode in which a young woman aged 14 gave birth to a child in Gippsland. One of our Welfare Board officers went to her and said, 'Look, you're giving birth to this illegitimate child, fatherless child. We'd like to take this baby from you and give it out in adoption to a white couple'. She had the baby. [She subsequently married the child's father.] She was approached a week later to sign the papers and she said, 'I've changed my mind. I want to keep my baby'. The welfare officer then said to her, 'If you change your mind and you renege on this particular deal, I'm going to have you charged with having carnal knowledge under the age of 14'. She succumbed to that pressure and the child was taken

The following story seems to fit the definition of duress, with elements of compulsion.

We were brought into this life without serious thought. My Aboriginal mother was thirteen years old when she had me and Laura at fourteen or fifteen. I know myself, as a young mum, how hard things can be bringing up kids. Faith, my mother had come from a large family and did not have much sense of direction. There were eighteen kids in my mother's family ... I feel they never knew how to help my mother. Faith, my mum had met our father at thirteen he was about twenty five and they had me. My father knew this family, a white family and they took me there to stay, as I was told, I stayed there many times. Betty Sullivan who was the mother of the family loved Laura and I very much. I suppose the more we stayed there the more she loved us.

One day my father and mother asked the Sullivan family to look after us for awhile because they had no where to live, so that was OK, Mrs Sullivan said yes. From then on there was a fight for us. I can remember how bad things were for my mother. I can recall when I was young how my mother went through custody battles for my sister and I to keep us. One day I remember very clearly leaving the court. In the taxi I somehow knew we, Laura and I, were going back to the home. So I started kicking and screaming to get out of the taxi.

The driver stopped, got out, I saw him throw his hand's up over his eyes and said he couldn't take us, he didn't want to drive us kids away from our mother, so we then went in the police car with the lady police officer we knew. Our father was in gaol most of the time he wasn't there for her while she was at court.

I love the Sullivan family very much. Mrs Sullivan taught me how to love and what was right and what was wrong. I'm glad she taught me values because I

know now what was wrong. It was wrong the way my natural mother was treated. Mrs Sullivan told my mother she should lock herself away. The Sullivan family told people my mother was crazy and the court gave us to the Sullivan family. My mother was not crazy she was only nineteen. She was the right one and shouldn't have killed herself but she knew no better as there was no one to help her keep her children. I can remember the day she died – that has haunted me for the rest of my life. I remember the police coming to Mrs Sullivan's place where we were and told her that mum Faith died I'm sure I heard that. I turned and said to Mrs Sullivan 'Mummy Faith can't take us away anymore.' The day she died we died.

The extent to which Aboriginal parents who agreed to their children attending secondary school in distant locations were in fact submitting to duress is a vexed issue. In areas where no secondary education facilities were available, for example on Cape Barren Island in Tasmania, Central Australia and in the Torres Strait, the families of 'promising' students were asked if they wanted their children to be 'given the opportunity' of furthering their education by leaving home and going to live elsewhere. Submissions to the Inquiry emphasised that in making these offers it was never the intention to displace the family bonds or to deprive the families of the right to maintain contact with their children. Parents were free to keep in touch with their children and the children sometimes went home for holidays. Realistically, however, there was no likelihood that Indigenous families would have the material resources to ensure continuous regular contact.

At the time these separations occurred Indigenous families may have expressed more regret about losing their children in this way than the children felt at the prospect of such an adventure during their adolescent years. The children reflected on the losses, as well as the gains, that their separation entailed only after leaving or much later.

One interpretation of these offers is that the families were simply being given the same opportunity to have their children educated as non-Indigenous families in Australia, in a country where remoteness and small populations limit the kind of educational facilities that can be offered to all children. Another focuses on the power relationships between the makers of these offers and the families. Viewed in that way there was clearly an element of duress. The offers were presented in such a way that families could not refuse them.

Where the offer of education was linked to a threat if the offer were not accepted then the ensuing separation was clearly forced. For example, some parents were told that if they did not 'consent' to their children undertaking study elsewhere, then their children would be removed on the ground of neglect. But generally the tenor and surrounding circumstances of the offers are not that clear.

Undue influence

The term 'undue influence' has a similar meaning to 'duress'. An 'influence' which is 'undue' is an influence 'by which [a] person is induced not to act of his own free will' (*Concise Oxford Dictionary*). At law the term means 'any improper pressure put on a person to induce him to confer a benefit on the party exercising the pressure'. This definition is not entirely appropriate unless surrendering one's child is viewed as 'conferring a benefit'. However, the essence of the legal meaning is relevant: putting improper pressure on the family to induce the surrender of the children.

The relationship between the family and the 'inducer' must be one of 'influence'. This criterion is readily satisfied in the case of the relationship between Indigenous people generally and government administrators and in the case of the relationship between closed settlement managers and residents because of the latter's dependence on the former for their maintenance. It is also present in the relationship between spiritual adviser, be it priest or other missionary, and convert.

There must be a question mark over the relinquishment of children to missions in the circumstances described by the Lutheran Church of South Australia.

Now, the initial motivation for parents to put their children in the [Koonibba] home or entrust their children to the care of the home was fear that the children might soon be taken from them, and it's very evident that this very soon was replaced by a more positive outlook, that it was as they saw benefits accruing for their children through being entrusted to the care of the home, that they much more freely and gladly entrusted their children to the care of the home ...

The benefits that influenced the parents were not merely the benefits of being able to attend school but ... that living for some years in their childhood in the children's home at Koonibba opened the door for these children to learn ... a way of life that was better than they could themselves give to those children, bringing them up in the wurley, to use their phrase 'eating with their fingers'; that there was also an open door to a much richer and fuller way of life and a place of greater happiness and dignity in the new Australia that had grown up around their race through the participation in the life of the children's home (evidence 262).

Another strategy was the permanent retention of children who were voluntarily placed in respite care, in educational institutions or in hospital on the understanding that the placement was temporary and for a specific and defined purpose. This kind of temporary placement was often induced by a false promise or a lie.

The 'Harold Blair Holiday Schemes', which was basically run by Mr Killoran in Brisbane through the Queensland Aboriginal Affairs Department, would organise holiday homes over the Christmas holidays in Melbourne [for Queensland children]. After three weeks ... the couple would say, 'I'd love to keep little Mary for a little longer'. 'Sure you

can keep Mary a little longer.’ No reference to the parents. Within a few months the next question, ‘Could I adopt Mary?’ ‘Yeah, you can adopt Mary.’ This was not an AWB [Aborigines Welfare Board] Victorian adoption. It was done through the Queensland Native Affairs Department, direct adoption kind of by mail order and by phone call, according to Professor Colin Tatz, Centre for Comparative Genocide Studies and member of the Victorian Aborigines Welfare Board 1965-68.

Link-Up (NSW) workers related the following accounts to the Fourth Australian Conference on Adoption (1990),

A mother [single teenager] had a child in a home, and went out to provide some sort of basis for rearing the child. The child was left there, and when the mother came back, they told her that the child had died. And 25 years later we have a request from a person to find his mother, and we approached the mother, and she now has gone through the grieving of the person dying and now coming to terms with his resurrection.

We also reunited a mother with her daughter recently who'd had 2 sons from a marriage and the marriage was in a mess, and the doctor and the family and the husband knew that if she had a girl she'd keep it, so they told her she had a boy. They never let her see it, and when I approached her and said your daughter wants to see you, she said; "But I didn't have a girl, I had a boy". And of course she was delighted to meet her and all she had wanted was a daughter.

Justification

In contrast with the removal of non-Indigenous children, proof of ‘neglect’ was not always required before an Indigenous child could be removed. Their Aboriginality would suffice. Therefore, while some removals might be ‘justifiable’ after the event as being in the child’s best interests, they often did not need to be justified at the time. Most witnesses refuted suggestions that they were neglected or abused by their parents, some making the contrast with their subsequent experiences in institutions or foster homes.

The memories of our clients certainly do not tell the opposite story – of children ‘saved’ or ‘rescued’ from situations of misery and neglect, or of children who were lucky enough to be given a chance in life. In reality, many have felt their chances were taken away – chances given only by growing up in a loving environment, not by being institutionalised as a child! For example, one of our clients who was taken away along with her siblings, describes how, when her sister was grown up (most of the siblings had found each other at this stage) ‘she didn’t know how to hug her babies, and had to be shown how to do that’ (Phillips Fox Melbourne).

The issue of justification may be relevant to any remedy that might be contemplated.

Families

The socio-economic circumstances of most Indigenous families were such that many children lost one or both biological parents while they were still young. Most Indigenous communities, however, have retained broader kinship networks involving obligations of care and nurture of children. It was usually the case that an orphaned child could make a claim on another relative to take primary responsibility for his or her maintenance and rearing. These kinship obligations were misunderstood or ignored by most administrators, government and non-government. Alternative Indigenous carers were rarely permitted to perform their child-rearing obligations.

For Indigenous children their 'families' were constituted by their entire community. This is a point of some significance considering what the children lost when they were separated. Children removed from their families were also removed from their communities. The almost invariable practice was that these children were placed in non-Indigenous institutions or foster and adoptive families.

A second level of separation was from siblings. Often the removed children of a family were placed separately or, where placed together, their identities and kinship were not divulged. A number of witnesses spoke of finding out much later that they had been in the same home as one or more siblings. One spoke, for example, of being introduced to his brother on the day that brother was departing the institution for a foster placement. Another wrote of having to leave her younger siblings behind in an orphanage when she was sent to work elsewhere at the age of 14.

So this meant the grieving took place again. The grief came for my younger sister and two brothers whom I thought I would never see again. The day I left the Orphanage – that was a very sad day for me. I was very unhappy, and the memories came back. There was nowhere to turn. You was on your own. I was again in a different environment ... I had no choice but to stick it out. With the hardships going and thinking of my sister and brothers which I left at the Orphanage. My heart full of sorrows for them.

[Queensland: woman removed at 11 years from an informal foster placement with an uncle and aunt arranged by her father due to his travelling for seasonal work and after the death of her mother and placed in an orphanage in the early 1940s.]

The effects

The effects for the children removed ranged from psychological harm to loss of native title entitlements. Most suffered multiple and disabling effects.

We may go home, but we cannot relive our childhoods. We may reunite with our mothers, fathers, sisters, brothers, aunties, uncles, communities, but we cannot relive the 20, 30, 40 years that we spent without their love and care, and they cannot undo the grief and mourning they felt when we were separated from them. We can go home to ourselves as Aboriginals, but this does not erase the attacks inflicted on our hearts, minds, bodies and souls, by caretakers who thought their mission was to eliminate us as Aboriginals.

A three-year longitudinal study undertaken in Melbourne during the mid-1980s revealed the numerous differences between Aboriginals removed in childhood (33%) and those who were raised by their families or in their communities (67%). Those removed were,

- less likely to have undertaken a post secondary education;
- much less likely to have stable living conditions and more likely to be geographically mobile;
- three times more likely to say they had no-one to call on in a crisis;
- less likely to be in a stable, confiding relationship with a partner;
- twice as likely to report having been arrested by police and having been convicted of an offence;
- three times as likely to report having been in gaol;
- less likely to have a strong sense of their Aboriginal cultural identity, more likely to have discovered their Aboriginality later in life and less likely to know about their Aboriginal cultural traditions;
- twice as likely to report current use of illicit substances; and
- much more likely to report intravenous use of illicit substances

[Dr Jane McKendrick, Victorian Aboriginal Mental Health Network]

A national random survey of Indigenous people conducted by the Australian Bureau of Statistics in 1994 allows us to compare further the life circumstances of the people who had been separated as children against those of the people raised by their families and communities. It shows no significant difference between the two groups with respect to their educational achievement.

Post-school qualifications for adults 20 years and above		
Qualification	Taken away	Not taken away
Higher Education	1.9%	2.0%
TAFE	1.9%	1.8%
Other	0.6%	1.0%
None	95.6%	94.8%
Not stated	–	0.3%
Total	100%	100%

Source: 1994 ABS National Aboriginal and Torres Strait Islander Survey, tables supplied.

Similarly, the group removed from their families in childhood was no more likely to be employed. In fact there is a slight and non-significant tendency for this group to be less likely to be employed than people who were not removed.

Employment status of adults 20 years and above		
Status	Taken away	Not taken away
Employed non-CDEP	22.8%	25.0%
Employed CDEP	8.2%	8.5%
Unemployed	22.2%	20.0%
Not in labour force	39.2%	38.3%
Not applicable	7.6%	8.2%
Total	100%	100%

Source: 1994 ABS National Aboriginal and Torres Strait Islander Survey, tables supplied.

Neither are people removed as children significantly more likely to earn higher incomes in adulthood. The differential which can be noted in the table, with removed people more likely to be in the \$8,000-\$12,000 bracket while those not removed more likely to be in the \$0-\$3,000 bracket, suggests that removed people are more likely to enjoy the benefits of social security. This is probably attributable to the greater urbanisation of this group as compared with people not removed, the latter being more likely to live in their traditional and historical communities. Similar proportions (58% of those taken away, 63% of those not taken away) have annual incomes under \$12,000.

Personal income for adults 20 years and above

Personal income	Taken away	Not taken away
\$0-3,000	13.3%	21.5%
\$3,001-5,000	1.9%	5.0%
\$5,001-8,000	17.7%	18.2%
\$8,001-12,000	24.7%	18.3%
\$12,001-16,000	15.2%	9.6%
\$16,001-20,000	5.7%	7.1%
\$20,001-25,000	7.0%	7.4%
\$25,001-30,000	5.7%	4.8%
\$30,001-40,000	3.8%	3.8%
\$40,001 +	1.9%	1.8%
Total	100%	100%

Source: 1994 ABS National Aboriginal and Torres Strait Islander Survey, tables supplied.

Those removed in childhood were twice as likely to have been arrested more than once in the last 5 years (22% as compared with 11% of those not taken away) (Australian Bureau of Statistics 1995 page 58). This tallies with very damaging effects of institutionalisation on personal emotional development and on the individual's sense of self-worth. The same factors also have an effect on health prospects.

Self-assessed health status of those 20 years and above

Status	Taken away	Not taken away
Excellent	13.3%	18.2%
Very good	22.8%	29.6%
Good	34.8%	36.7%
Fair	23.4%	13.0%
Poor	5.7%	2.4%
Not stated	–	0.2%
Total	100%	100%

Source: 1994 ABS National Aboriginal and Torres Strait Islander Survey, tables supplied.

The effects on the families left behind and on the entire Indigenous community must also be acknowledged. These are detailed in Part 3.

Most of the Koori people I have met are aware of family members who were removed. It is also recounted how some were hidden from time to time by

their parents so that they would not be found. This in itself is seen to have been a traumatic experience and to have had a significant effect on the person's view and experience of the world.

(Dr David Mushin, Victorian Koori Kids Mental Health Network, submission 769).