Part 2 Tracing the History

C h a p t e r 2 National Overview

> *Every morning our people would crush charcoal and mix that with animal fat and smother that all over us, so that when the police came they could only see black children in the distance. We were told always to be on the alert and, if white people came, to run into the bush or run and stand behind the trees as stiff as a poker, or else hide behind logs or run into culverts and hide. Often the white people – we didn't know who they were – would come into our camps. And if the Aboriginal group was taken unawares, they would stuff us into flour bags and pretend we weren't there. We were told not to sneeze. We knew if we sneezed and they knew that we were in there bundled up, we'd be taken off and away from the area.*
>
> *There was a disruption of our cycle of life because we were continually scared to be ourselves. During the raids on the camps it was not unusual for people to be shot – shot in the arm or the leg. You can understand the terror that we lived in, the fright – not knowing when someone will come unawares and do whatever they were doing – either disrupting our family life, camp life, or shooting at us.*
>
> [woman ultimately surrendered at 5 years to Mt Margaret Mission for schooling in the 1930s.]

National Overview

In this Part we outline the laws, practices and policies of forcible removal of Indigenous children in each State and Territory. This chapter briefly outlines the national background and thinking behind those laws, practices and policies.

> *The questions this history raises for us to contemplate today, at the very least, are what implications it has for relations between Aboriginal and white Australians, and what traces of that systematic attempt at social and biological engineering remain in current child welfare practices and institutions (van Krieken 1991 page 144).*

Colonisation

Indigenous children have been forcibly separated from their families and communities since the very first days of the European occupation of Australia.

Violent battles over rights to land, food and water sources characterised race relations in the nineteenth century. Throughout this conflict Indigenous children were kidnapped and exploited for their labour. Indigenous children

were still being ‘run down’ by Europeans in the northern areas of Australia in the early twentieth century.

> *… the greatest advantage of young Aboriginal servants was that they came cheap and were never paid beyond the provision of variable quantities of food and clothing. As a result any European on or near the frontier, quite regardless of their own circumstances, could acquire and maintain a personal servant (Reynolds 1990 page 169).*

Governments and missionaries also targeted Indigenous children for removal from their families. Their motives were to ‘inculcate European values and work habits in children, who would then be employed in service to the colonial settlers’ (Ramsland 1986 quoted by Mason 1993). In 1814 Governor Macquarie funded the first school for Aboriginal children. Its novelty was an initial attraction for Indigenous families but within a few years it evoked a hostile response when it became apparent that its purpose was to distance the children from their families and communities.

Although colonial governments in the nineteenth century professed abhorrence at the brutality of expansionist European settlers, they were unwilling or unable to stop their activities. When news of the massacres and atrocities reached the British Government it appointed a Select Committee to inquire into the condition of Aboriginal people.

‘Protection’ and segregation of Indigenous people in the nineteenth century

The Select Committee Inquiry proposed the establishment of a protectorate system, noting that ‘the education of the young will of course be amongst the foremost of the cares of the missionaries; and the Protectors should render every assistance in their power in advancing this all-important part of any general scheme of improvement’ (quoted by Victorian Government). The protectorate system was based on the notion that Indigenous people would willingly establish self-sufficient agricultural communities on reserved areas modelled on an English village and would not interfere with the land claims of the colonists.

By the middle of the nineteenth century the protectorate experiment had failed and the very survival of Indigenous people was being questioned. Forced off their land to the edges of non-Indigenous settlement, dependent upon government rations if they could not find work, suffering from malnutrition and disease, their presence was unsettling and embarrassing to non-Indigenous people. Governments typically viewed Indigenous people as a nuisance.

The violence and disease associated with colonisation was characterised, in the language of social Darwinism, as a natural process of ‘survival of the fittest’. According to this analysis, the future of Aboriginal

people was inevitably doomed; what was needed from governments and missionaries was to ‘smooth the dying pillow’.

The government response was to reserve land for the exclusive use of Indigenous people and assign responsibility for their welfare to a Chief Protector or Protection Board. By 1911 the Northern Territory and every State except Tasmania had ‘protectionist legislation’ giving the Chief Protector or Protection Board extensive power to control Indigenous people. In some States and in the Northern Territory the Chief Protector was made the legal guardian of all Aboriginal children, displacing the rights of parents. The management of the reserves was delegated to government appointed managers or missionaries in receipt of government subsidies. Enforcement of the protectionist legislation at the local level was the responsibility of ‘protectors’ who were usually police officers.

In the name of protection Indigenous people were subject to near-total control. Their entry to and exit from reserves was regulated as was their everyday life on the reserves, their right to marry and their employment. With a view to encouraging the conversion of the children to Christianity and distancing them from their Indigenous lifestyle, children were housed in dormitories and contact with their families strictly limited.

Tasmania was the exception to this protectionist trend. By the turn of the century most Indigenous families had been removed to Cape Barren Island off the north coast of the Tasmanian mainland where they were effectively segregated from non-Indigenous people. Until the late 1960s Tasmanian governments resolutely insisted that Tasmania did not have an Aboriginal population, just some ‘half-caste’ people.

‘Merging’ and ‘absorption’

By the late nineteenth century it had become apparent that although the full descent Indigenous population was declining, the mixed descent population was increasing. ‘Most colonists saw them as being in a state of racial and cultural limbo’ (Haebich 1988 page 48). In social Darwinist terms they were not regarded as near extinction. The fact that they had some European ‘blood’ meant that there was a place for them in non-Indigenous society, albeit a very lowly one.

Furthermore, the prospect that this mixed descent population was growing made it imperative to governments that mixed descent people be forced to join the workforce instead of relying on government rations. In that way the mixed descent population would be both self-supporting and satisfy the needs of the developing Australian economy for cheap labour.

The reality that Indigenous people did not identify as Europeans, however much European ‘blood’ they had, was not taken into account. Nevertheless, the difficulties of permanently distancing mixed descent children from their Indigenous families was a matter of constant concern to government officials. Clearly they recognised the strength of the family bonds they were trying to

break.

> *Unlike white children who came into the state's control, far greater care was taken to ensure that [Aboriginal children] never saw their parents or families again. They were often given new names, and the greater distances involved in rural areas made it easier to prevent parents and children on separate missions from tracing each other (van Krieken 1991 page 108).*

Government officials theorised that by forcibly removing Indigenous children from their families and sending them away from their communities to work for non-Indigenous people, this mixed descent population would, over time, 'merge' with the non-Indigenous population. As Brisbane's *Telegraph* newspaper reported in May 1937,

> *Mr Neville [the Chief Protector of WA] holds the view that within one hundred years the pure black will be extinct. But the half-caste problem was increasing every year. Therefore their idea was to keep the pure blacks segregated and absorb the half-castes into the white population. Sixty years ago, he said, there were over 60,000 full-blooded natives in Western Australia. Today there are only 20,000. In time there would be none. Perhaps it would take one hundred years, perhaps longer, but the race was dying. The pure blooded Aboriginal was not a quick breeder. On the other hand the half-caste was. In Western Australia there were half-caste families of twenty and upwards. That showed the magnitude of the problem.*

In Neville's view, skin colour was the key to absorption. Children with lighter skin colour would automatically be accepted into non-Indigenous society and lose their Aboriginal identity.

Assuming the theory to be correct, argument in government circles centred around the optimum age for forced removal. At a Royal Commission in South Australia in 1913 'experts' disagreed whether children should be removed at birth or about two years old.

The 'protectionist' legislation was generally used in preference to the general child welfare legislation to remove Indigenous children. That way government officials acting under the authority of the Chief Protector or the Board could simply order the removal of an Indigenous child without having to establish to a court's satisfaction that the child was neglected.

In Queensland and Western Australia the Chief Protector used his removal and guardianship powers to force all Indigenous people onto large, highly regulated government settlements and missions, to remove children from their mothers at about the age of four years and place them in dormitories away from their families and to send them off the missions and settlements at about 14 to work. Indigenous girls who became pregnant were sent back to the mission or dormitory to have their child. The removal process

then repeated itself.

Another method of forcing people of mixed descent away from their families and communities and into non-Indigenous society was to change the definition of ‘Aboriginality’ in the protection legislation to fit the government’s current policy in relation to Aboriginal affairs. People with more than a stipulated proportion of European ‘blood’ were disqualified from living on reserves with their families or receiving rations. This tactic of ‘dispersing’ Aboriginal camps was used in Victoria and New South Wales. An analysis of the definition of ‘Aboriginality’ has found more than 67 definitions in over 700 pieces of legislation (McCorquodale 1987).

However the notion that people forced off the reserves would merge with the non-Indigenous population took no account of the discrimination they faced. Unable to find work and denied the social security benefits that non-Indigenous people were granted as of right, they lived in ‘shanty’ towns near the reserves or on the edges of non-Indigenous settlement.

In New South Wales, Western Australia and the Northern Territory many children of mixed descent were totally separated from their families when young and placed in segregated ‘training’ institutions before being sent out to work. In South Australia, where there was an uneasy relationship between the government and missionaries in relation to the care of Indigenous children, government officials sent Indigenous children to institutions catering for non-Indigenous children while missionaries took in Indigenous children and operated their own schools.

As the ultimate purpose of removal was to control the reproduction of Indigenous people with a view to ‘merging’ or ‘absorbing’ them into the non-Indigenous population, Indigenous girls were targeted for removal and sent to work as domestics. Apart from satisfying a demand for cheap servants, work increasingly eschewed by non-Indigenous females, it was thought that the long hours and exhausting work would curb the sexual promiscuity attributed to them by non-Indigenous people.

A common feature of the settlements, missions and institutions for Indigenous families and children was that they received minimal funding. In 1938-39 the jurisdictions with the largest Indigenous populations – the Northern Territory, Western Australia and Queensland - spent the least per capita on Indigenous people. The Commonwealth’s spending of £1 per person per annum compared to £42.10s per annum on non-Indigenous pensioners and £10,000 on the Governor-General’s salary (Markus 1990 pages 9-10). The lack of funding for settlements, missions and institutions meant that people forced to move to these places were constantly hungry, denied basic facilities and medical treatment and as a result were likely to die prematurely.

By contrast to this degree of intervention in the lives of Indigenous people, Indigenous families living on and near Cape Barren Island in Tasmania were left relatively undisturbed until the 1930s. From then on,

however, the general child welfare legislation was used to remove Indigenous children from the Islands. These children were sent to non-Indigenous institutions and later non-Indigenous foster families on the ground that they were neglected. Alternatively, Indigenous families were threatened with the removal of their children if they did not consent to the removal of their children.

This interest in removing Indigenous children from their families followed growing concern on the part of the Tasmanian Government in the 1920s and 1930s that the Islanders were refusing to adopt a self-sufficient agricultural lifestyle and would become permanently dependent upon government support.

'Merging' becomes 'assimilation'

In 1937 the first Commonwealth-State Native Welfare Conference was held, attended by representatives of all the States (except Tasmania) and the Northern Territory. Although States had been influenced by each others' practices to that time, and even sought the views of other Chief Protectors as to what should be done about their 'Aboriginal problem', this was the first time that Aboriginal affairs had been discussed at the national level.

Discussion was dominated by the Chief Protectors of Western Australia, Queensland and the Northern Territory: A O Neville, J W Bleakley and Dr Cook respectively. Each of them presented his own theory, developed over a long period in office, of how people of mixed descent would eventually blend into the non-Indigenous population. The conference was sufficiently impressed by Neville's idea of 'absorption' to agree that,

> *… this conference believes that the destiny of the natives of aboriginal origin, but not of the full blood, lies in their ultimate absorption by the people of the Commonwealth, and it therefore recommends that all efforts be directed to that end.*

In relation to Indigenous children, the conference resolved that,

> *… efforts of all State authorities should be directed towards the education of children of mixed aboriginal blood at white standards, and their subsequent employment under the same conditions as whites with a view to their taking their place in the white community on an equal footing with the whites.*

From this time on, States began adopting policies designed to 'assimilate' Indigenous people of mixed descent. Whereas 'merging' was essentially a passive process of pushing Indigenous people into the non-Indigenous community and denying them assistance, assimilation was a highly intensive process necessitating constant surveillance of people's lives, judged according to non-Indigenous standards. Although Neville's model of absorption had been a biological one, assimilation was a socio-cultural model.

Implicit in the assimilation policy was the idea current among non-Indigenous people that there was nothing of value in Indigenous culture.

> *Nobody who knows anything about these groups can deny that their members are socially and culturally deprived. What has to be recognized is that the integration of these groups differs in no way from that of the highly integrated groups of economically depressed Europeans found in the slums of any city and in certain rural areas of New South Wales. In other words, these groups are just like groups of poor whites. The policy for them must be one of welfare. Improve their lot so that they can take their place economically and socially in the general community and not merely around the periphery. Once this is done, the break-up of such groups will be rapid (Bell 1964).*

Removal of Indigenous children under child welfare legislation

New South Wales was the first jurisdiction to reshape its Indigenous child welfare system according to the assimilationist welfare model. After 1940 the removal of Indigenous children was governed by the general child welfare law, although once removed Indigenous children were treated differently from non-Indigenous children. State government institutions and missions in which removed Indigenous children were placed received a financial boost after 1941 with the extension of Commonwealth child endowment to Aboriginal children. The endowment was paid to them rather than to the parents.

Under the general child welfare law, Indigenous children had to be found to be ‘neglected’, ‘destitute’ or ‘uncontrollable’. These terms were applied by courts much more readily to Indigenous children than non-Indigenous children as the definitions and interpretations of those terms assumed a non-Indigenous model of child-rearing and regarded poverty as synonymous with neglect. It was not until 1966 that all eligibility restrictions on Indigenous people’s receipt of social security benefits were fully lifted. Before that time Indigenous families in need could not rely on the financial support of government which was designed to hold non-Indigenous families together in times of need. Moreover, ongoing surveillance of their lives meant that any deviation from the acceptable non-Indigenous ‘norm’ came to the notice of the authorities immediately.

From the late 1940s the other jurisdictions followed New South Wales in applying the general child welfare law to Indigenous children while still treating removed Indigenous children differently. State government child welfare practice was marked more by continuity than change. The same welfare staff and the same police who had previously removed children from their families simply because they were Aboriginal now utilised the neglect procedures to remove just as many Aboriginal children from their families. ‘Aboriginal parents were left on the margins of Australian society while attempts were

made to absorb their children into non-Aboriginal society' (Armitage 1995).

> *The children were still being removed in bulk, but it wasn't because they were part white. They had social workers that'd go around from house to house and look in the cupboards and things like that and they'd say the children were neglected (Molly Dyer, speaking of the practice of the Victorian Aborigines Welfare Board in the 1950s).*

At the third Native Welfare Conference held in 1951 the newly appointed federal Minister for Territories, Paul Hasluck, vigorously propounded the benefits to Aboriginal people of assimilation and urged greater consistency in practice between all the States and the Northern Territory. Hasluck pointed out that Australia's treatment of its Indigenous people made a mockery of its promotion of human rights at the international level (Hasluck 1953 page 9).

The conference agreed that assimilation was the aim of 'native welfare measures'.

> *Assimilation means, in practical terms, that, in the course of time, it is expected that all persons of aboriginal blood or mixed blood in Australia will live like other white Australians do (Hasluck 1953 page 16).*

During the 1950s and 1960s even greater numbers of Indigenous children were removed from their families to advance the cause of assimilation. Not only were they removed for alleged neglect, they were removed to attend school in distant places, to receive medical treatment and to be adopted out at birth.

As institutions could no longer cope with the increasing numbers and welfare practice discouraged the use of institutions, Indigenous children were placed with non-Indigenous foster families where their identity was denied or disparaged. 'A baby placed with white parents would obviously be more quickly assimilated than one placed with black parents. So ran the official thinking, but more importantly, so also ran the feelings of the majority of honest and conscientious white citizens' (Edwards and Read 1989 page xx).

While Indigenous children were being removed from their families at a young age, child welfare practice in relation to non-Indigenous children was being influenced by the work on maternal deprivation conducted by John Bowlby for the World Health Organisation and by a 1951 United Nations report which stressed that child welfare services should be focussed on assisting families to keep their children with them (Keen 1995 page 35).

By the early 1960s it was clear that despite the mandatory way in which the assimilation policy had been expressed, Indigenous people were not being assimilated. Discrimination by non-Indigenous people and the refusal of

Indigenous people to surrender their lifestyle and culture were standing in the way. Consequently the definition of assimilation was amended at the 1965 Native Welfare Conference to include an element of choice.

> *The policy of assimilation seeks that all persons of Aboriginal descent will choose to attain a similar manner of living to that of other Australians and live as members of a single community.*

Following the successful 1967 constitutional referendum the Commonwealth obtained concurrent legislative power on Aboriginal affairs with the States. Since at least the 1930s Aboriginal and humanitarian groups had been urging the Commonwealth to display leadership on Aboriginal affairs. Although the Commonwealth did not have constitutional power until 1967 to legislate in respect of Aboriginal people it could have influenced State policies by making grants of aid conditional on policy change. However the Commonwealth had been consistently wary of upsetting State sensitivities as well as committing itself to extra funding.

This position changed after 1967. A federal Office of Aboriginal Affairs was established and made grants to the States for Aboriginal welfare programs.

> *'Assimilation' was discarded as the key term of Aboriginal policy in favour of 'integration', though precisely what this signified was somewhat unclear … Although these were significant changes, they continued to operate through the established structures and organizations of Aboriginal policy, rather than in any way directly challenging them (Altman and Sanders 1995).*

Self-management and Self-determination

The election of the Whitlam Labor Government in 1972 on a policy platform of Aboriginal self-determination provided the means for Indigenous groups to receive funding to challenge the very high rates of removal of Indigenous children. Aboriginal legal services began representing Indigenous children and families in removal applications, which led to an immediate decline in the number of Indigenous children being removed. In Victoria the first Aboriginal and Islander Child Care Agency (AICCA) was started offering alternatives to the removal of Indigenous children.

In 1976 a paper delivered at the First Australian Conference on Adoption directed the attention of social workers to the large numbers of Indigenous children who were being placed by non-Indigenous welfare workers with non-Indigenous families. The paper drew on the experience of Indigenous services with children who had been removed and placed away from the Indigenous community. This practice was inconsistent with the policy of self-determination

and harmful to the Indigenous children concerned.

> *For the Aboriginal child growing up in a racist society, what is most needed is a supportive environment where a child can identify as an Aboriginal and get emotional support from other blacks. The supportive environment that blacks provide cannot be assessed by whites and is not quantifiable or laid down in terms of neat identifiable criteria.*
>
> *Aboriginal people maintain that they are uniquely qualified to provide assistance in the care of children. They have experienced racism, conflicts in identity between black and white and have an understanding of Aboriginal life-styles (Sommerlad 1976).*

The activism of Indigenous organisations and the growing awareness of welfare workers of the ways in which government social welfare practice discriminated against Indigenous people forced a reappraisal of removal and placement practice during the 1980s. In 1980 the family tracing and reunion agency Link-Up (NSW) Aboriginal Corporation was established. Similar services now exist in all States and the Northern Territory. In 1981 the Secretariat of National Aboriginal and Islander Child Care (SNAICC) was formed and there are now approximately 100 Aboriginal community-run children's services under its umbrella (Butler 1993).

These Indigenous services formulated the Aboriginal Child Placement Principle and lobbied for it to be adopted by State and Territory welfare departments as a mandatory requirement. It has now been incorporated into the child welfare legislation and/or the adoption legislation in the Northern Territory, the ACT and all States other than Tasmania and Western Australia where it takes the form of administrative guidelines.

Estimating the numbers removed

It is not possible to state with any precision how many children were forcibly removed, even if that enquiry is confined to those removed officially. Many records have not survived. Others fail to record the children's Aboriginality.

Researchers have assisted the task by counting numbers of children in particular placements or in record series over particular periods. For example, historian Peter Read used official records to number Indigenous children removed in New South Wales between 1883 and 1969 at 5,625, warning as he did so that some of the record series were incomplete (1981 pages 8-9). South Australian researchers Christobel Mattingley and Ken Hampton found records relating to over 350 children entering Colebrook Home in the 54 years to 1981 (1992).

Another method is to survey adults and ask whether they were removed

in childhood. Professor Ernest Hunter surveyed a sample of 600 Aboriginal people in the Kimberley region of WA in the late 1980s. One-quarter of the elderly people and one in seven of the middle-aged people reported having been removed in childhood.

Dr Max Kamien surveyed 320 adults in Bourke NSW in the 1970s. One in every three reported having been separated from their families in childhood for five or more years (cited by Hunter 1995 on page 378). Dr Jane McKendrick's findings are almost identical. She surveyed Victorian Aboriginal general medical practice patients in the late 1980s, 30% of whom reported having been removed: 20% to children's homes and another 10% to foster and adoptive families.

A national survey of Indigenous health in 1989 found that almost one-half (47%) of Aboriginal respondents of all ages had been separated from both parents in childhood. This very high proportion, which contrasted with a figure of only 7% for non-Indigenous people, must be read with some caution. Separation here includes hospitalisation and juvenile detention in addition to removal. It may also include living with family members other than parents for a period (National Aboriginal Health Strategy Working Party 1989 page 175).

More recent surveys are likely to understate the extent of removal because many of those removed during the early periods of the practice are now deceased. The 1994 Australian Bureau of Statistics survey of Aborigines and Torres Strait Islanders revealed 10% of people aged 25 and above had been removed in childhood. Such surveys cannot capture the experiences of those people whose Aboriginality is now unknown even to themselves.

A further complicating factor is that although forcible removal affected every region of Australia it seems to have been more or less intense according to the period, the available resources and the 'visibility' of, in particular, children of 'mixed descent'. Nationally we can conclude with confidence that between one in three and one in ten Indigenous children were forcibly removed from their families and communities in the period from approximately 1910 until 1970. In certain regions and in certain periods the figure was undoubtedly much greater than one in ten. In that time not one Indigenous family has escaped the effects of forcible removal (confirmed by representatives of the Queensland and WA Governments in evidence to the Inquiry). Most families have been affected, in one or more generations, by the forcible removal of one or more children.