

Part 2 Tracing the History

C h a p t e r 6 Tasmania

... there does not appear to be any likelihood in the immediate future for further [voluntary] ... admissions being effective as a method of assimilation of children. Firstly, there appears to be a close bond between children and parents and they are naturally reluctant to let them go (report of child welfare officer to the Director of Child Welfare on the officer's visit to Cape Barren Island in 1961, quoted by Tasmanian Government final submission on page A-28).

Policies and practices

The forcible removal of Indigenous children from their families occurred during two periods in Tasmania. The first commenced with the European occupation of Van Dieman's Land (as Tasmania was called until 1856) in 1803 and lasted until the middle of the nineteenth century. The second commenced in the 1930s with the forcible removal of Indigenous children from Cape Barren Island under general child welfare legislation and continues into the present. However in recent times the Tasmanian Aboriginal Centre has been successful in intervening in potential removal situations to keep Indigenous families together and welfare practice in Tasmania now regards removal as a last resort.

The colonial period

Van Dieman's Land was occupied in 1803 as a penal colony. Bitter conflict ensued. Many Indigenous people were shot and Indigenous children taken to be used for their labour. By 1818 the Aboriginal population had fallen from an estimated 4,000 to somewhere below 2,000 (Ryan 1981).

In 1814 Governor Davey issued a proclamation expressing his 'utter indignation and abhorrence' about the kidnapping of Aboriginal children but by 1816 'kidnapping had become widespread'. Governor Sorrell made a similar declaration in 1819 and ordered the Resident Magistrates and District Constables to list all the children and youths held by 'Settlers or Stock-keepers, stating from whom, and in what manner, they were obtained'. He ordered that those who had been taken without parental consent were to be sent to Hobart where they would be maintained and educated at government expense.

Removal to Flinders Island

By the late 1820s the conflict between Aboriginal people and the non-Indigenous population had escalated to the 'Black War' as it was known at the time. After a spate of attacks on settlers in 1830, Colonel George Arthur decided 'to deliver the knock-out blow that would bring the conflict to an end once and for all'. It was known as the 'Black Line'. Over 2,000 men moved in a line across the Island for six weeks with the aim of driving the Aboriginal population onto two peninsulas in the far south-east. This costly plan was an utter failure.

Warfare continued and the government looked for other strategies to deal with 'the Aboriginal problem'. George Augustus Robinson, a local building contractor who had travelled unarmed among Aboriginal people and gained their trust, suggested to the government that he negotiate with them and offer them protection, food, clothing and shelter away from the mainland. This plan received official sanction and it was agreed that they would be removed to Flinders Island. By 1835 more than 200 Aboriginal people had been moved to the Wybalenna settlement on Flinders Island. Shortly after arriving the 14 Indigenous children aged between six and 15 years were sent to live with the storekeeper and the catechist.

On the Island the combination of inadequate shelter, insufficient rations, disease and loss of freedom proved fatal to the Aboriginal population. By 1843 only about 50 remained. In 1847 the 48 survivors were moved again, this time to another reserve at Oyster Cove. The children were forcibly removed to the Orphan School in Hobart to 'adjust' to non-Indigenous society. In 1855 all the people of mixed descent at Oyster Cove were made to leave. By 1876 everyone left had died.

Apart from the Indigenous people taken to Wybalenna, there was another community of Indigenous people resident on Flinders Island and other islands in the Furneaux Group. These people were the descendants of Aboriginal women and about 12 non-Indigenous sealers. The sealers and their families worked the sealing grounds of Bass Strait between about 1803 and 1827 when the seals became virtually extinct. Thereafter they remained on the islands and turned to other sources of income, notably mutton birding.

When Robinson established Wybalenna he tried to remove the sealers and their families from Flinders Island but had little success. Robinson referred to the descendants of the Aboriginal women and sealers as 'half-castes' – presumably to distinguish them from the mainland Aboriginal people under his charge. By 1847 this community numbered about 50 people.

By the end of the 1870s most of the people had moved to Cape Barren Island. In 1881 the Cape Barren Reserve was formally established. By then this Indigenous community was in its third generation. The community received regular missionary visits and in 1890 a missionary school teacher was appointed. By 1908 the island population, called 'half-castes' by the government, numbered some 250 people. In time, the term 'Cape Barren

Islander' came to be used synonymously with 'half-caste' regardless of the place of origin of the person concerned.

The government sought to control the lifestyle of the people on Cape Barren and force the Island to become self-sufficient. The *Cape Barren Island Reserve Act 1912* provided that unless the residents of the Island constructed dwellings and fenced and cultivated land they would lose their right to occupy that land. It also stated that 'in order to encourage the settlement of the half-castes in other parts of Tasmania outside the Reserve' the Minister for Lands could authorise an applicant for a licence to occupy Crown land elsewhere in Tasmania.

Ten years later few of the Islanders had complied with the Act. The Secretary of Lands wanted to remove the children and appoint a manager to oversee the land. However he received a legal opinion that it was against the common law to remove children from their parents without their consent.

Assimilation

In the late 1920s proposals to remove Indigenous children from their families started to appear in government reports. A 1929 report lamented the impoverished living conditions of the Islanders and found that many of the children were suffering from sickness, including malnutrition. Despite the hardships under which they lived, the Islanders had no intention of moving.

[The Act of 1912] has given [the Islanders] ... the belief that they have a claim on the State, and that it was passed in recognition of their claim that their country has been taken away from them by the whites (A W Burbury, Attorney-General's Department).

This report recommended that the federal government be encouraged to take over responsibility for the Island reserve, that a missionary society take over responsibility for the welfare of the Islanders and that children be encouraged to leave the Island and the influence of their family once they had finished school. The Australian Board of Missions was approached but declined because the Islanders were not 'fullbloods'.

'The welfare'

Although the Tasmanian Government did not formally adopt a policy of removing Indigenous children from the Island, the *Infants Welfare Act 1935* was used to remove these children from their families. From 1928 until 1980 the head teacher on Cape Barren was appointed a special constable with the powers and responsibilities of a police constable, including the power to remove a child for neglect under the child welfare legislation. A shed at the back of the school sometimes served as a temporary lock-up.

Poverty, alcohol abuse, the refusal of the Islanders to adopt an agricultural lifestyle as specified in the 1912 Act and the surveillance of their

lifestyle that Act entailed put Indigenous families at risk of losing their children. The reliance of community members upon each other to care for their children in times of difficulty was regarded not as a strength but as an indication of neglect. Fearful of losing their children, some families moved to the mainland and settled in Invermay on the outskirts of Launceston.

Encouragement to leave the Island

In 1944 an inquiry was held into the future of Cape Barren Island. The Aboriginal population there had fallen to 106.

The inquiry noted that the health of the Islanders was deteriorating, particularly because they were dependent upon outside supplies of food. The subsequent *Cape Barren Island Reserve Act 1945* was similar to the 1912 Act but it imposed more rigorous conditions on the lessees in return for a free land grant. The intention of the Act was to force the Islanders to become self-sufficient agriculturists by 1950 and end their dependence upon social welfare.

Another inquiry the following year recommended that,

... the Government offer every encouragement to half-caste families to leave the Reserve and settle in Tasmania, the objective being a gradual but eventually a total absorption of the half-castes into the white population. It is suggested that incentives such as homes and employment be offered to families in various parts of the State as an inducement for them to leave the Reserve.

This shift in approach was influenced by the decision of the Commonwealth statistician in relation to the 1944 census not to count as Aboriginal anyone who was less than 'octoroon'. Tasmania determined it had no Aboriginal people left.

If they were not Aboriginal then there was no need for a special Reserve. The Cape Barren Islanders had been defined as white people, after having been defined as non-white for the previous 70 years.

Ironically, although their Aboriginality was denied, Indigenous families were known and targeted because their lifestyle was not 'acceptable', they lived on Cape Barren and nearby islands and they usually had surnames which marked them as 'half-castes'.

By the time the Cape Barren reserve land reverted to the Crown in 1951, only one lessee was eligible for a land grant. Rather than assist families living in poverty, the government demanded they move to the mainland or risk having their children taken.

As late as 1968 the Director of Social Welfare expressed the view that if 15-20 houses were acquired on the mainland 'the Cape Barren Island problem which has been with us for well over a hundred years would virtually disappear in a decade ... adequate housing may lead to the return of children [who had been removed] to their parents'.

From the 1950s officials increasingly removed Aboriginal children to the mainland under child welfare legislation.

We never ever questioned the right of any white person, whether they had a blue uniform or not, to come into our homeland more or less to do what they liked. That was just part of life and I grew up and people of my generation grew up in an environment where we had no rights other than the rights within our community ... If the teacher called us half-castes in the school there was nothing wrong with that. If the police would come into our homes and take people away because there was some offence committed somewhere in the vicinity there was nothing wrong with that. It was just the way of life and we grew up accepting that white people had some greater right than we did.

Removal for 'neglect'

Between 1937 and 1970 Indigenous children were taken into care under the *Infants Welfare Act 1935* and the *Child Welfare Act 1960* on the ground of neglect 'because of their circumstances'. Indeed, circumstances were hardly propitious given the lack of fresh food, including milk and other perishables, which had to be brought to the Island by boat. After surveys by the Health Department in 1956 and 1960, children were finally provided with food supplements by the Health and Education Departments and the Save the Children Fund.

Documentation shows that families with Aboriginal ancestry on the Islands from time to time experienced difficulty in obtaining relief payments, particularly single women responsible for the care of children. It is also evident that inadequate housing and living conditions led to the removal of some children.

I remember when I was very young though, that there was a big thing going around the community then that the government wanted to get the people off the island. I remember them saying, 'Well, I'm not going'. And next thing you see families going off. And one of the ladies ... she had a little girl out of wedlock, and the welfare came in and threatened her. They said to her she either had to marry the father of that baby or they would come and take the child, so she married. She was very young, and she married.

[woman who grew up on Cape Barren Island]

Not only could children be taken away from their families if they were judged by a court to be 'neglected', a parent could be charged with the criminal offence of neglecting that child and sentenced to imprisonment. Once the parents were imprisoned, their other children would also be removed.

Welfare just took the lot, no reason – just took us. They took mum and dad to court here for no reason. But there was no neglect. We was happy kids, you know. We just – we lived in the bush all our lives. Dad never believed in bringing his family to the city, he just loved the bush and that's where we stayed. We were always fed and happy there but I suppose they were looking for this other family and when they came to take them they just decided, 'Well, we'll take these as well'.

[man removed at 11 years in the 1950s along with his younger brother and sister and 4 children from another family who were staying with them at the time]

Although a parent was entitled to appear at court to argue that the child was not neglected, this theoretical possibility took no account of the remoteness of mainland and non-Indigenous legal processes from the Island communities, the speed with which removals occurred, the parents' lack of knowledge of their rights under the law, their financial inability to get to the court in Launceston in time and the fact that no legal assistance was available to them. It was not until the early 1970s that solicitors began to appear on behalf of Indigenous children and parents.

On their removal siblings were often placed separately and had little contact with each other. This occurred even though the Department of Community Welfare Manual 1966 specified that siblings should keep in touch with each other.

I wasn't allowed to go to the same school where my natural siblings were attending school. I knew my siblings' names but I didn't know what they looked like. I was told not to contact my natural family ... My foster family and the Welfare Officer said to me that I shouldn't get in touch with my natural family because they were not 'any good'.

[woman removed at 18 months with 5 siblings in the 1960s; placed in several foster homes before being adopted by the last of her foster families, where she was physically and sexually abused]

Usually children were fostered although some Indigenous children were sent to children's homes where most of the other children were non-Indigenous.

We seemed to have a lonely existence at the Home. They had children there who were under Legacy and things like that. Sadly, we didn't have any relatives to come and see us and, you know, we used to get a bit upset when other children could have relatives come, their mothers, and bring them toys and things, perhaps some fruit.

[man removed at 2 months from grandmother's care on Cape Barren Island in the 1930s; placed in a group home in Launceston where only he and his siblings were Aboriginal]

The Department's manual also specified that removed children should be kept in contact with their family. However,

Information from personal files indicates that the Government and the non Aboriginal community's attitude towards Cape Barren Island people may have influenced foster carers in discouraging children in care from having contact with their families during this period.

Indigenous children continued to be removed under the 1960 Act in the 1970s and 1980s, although a number of initiatives were taken during this period to assist families to stay together. The availability of federal funding and the government's acknowledgement during this period that Tasmania has an Indigenous population entitled to assistance to overcome the trauma of colonisation have allowed these programs to develop.

Separation for schooling

Although there has been a primary school on Cape Barren Island since 1889, there are no secondary education facilities on the Island. In 1965 the government began exploring the possibilities of 'providing scholarships, and adequate hostelling, for the most suitable [Cape Barren Island children], to induce them to seek secondary education in Tasmania. The idea being to eventually work towards apprenticeships for the children'. Islander children could also obtain Education Department bursaries or charity sponsorship to board on the mainland and receive a secondary education.

By 1970 20 Island children were in receipt of study grants and living on the mainland in accommodation approved by their families although Indigenous families remained concerned about the separation of their children that schooling involved.

Self-management

The Aboriginal Information Service, established in 1973, arranged legal representation of Indigenous children and parents in neglect cases and juvenile justice matters, thereby reducing the likelihood of Indigenous children

being removed from their families. The Tasmanian Aboriginal Centre now incorporates the Tasmanian Aboriginal Legal Service.

At the 1980 Australian Aboriginal Affairs Council Meeting of Ministers held in Hobart, the Tasmanian Government indicated its acceptance of the nationally agreed policy guidelines developed in 1977 relating to the fostering and adoption of Aboriginal children and the principle of Aboriginal participation in the planning and delivery of welfare services. The combination of pressure from the Tasmanian Aboriginal Centre, Indigenous involvement in departmental committees and the Tasmanian Government's participation in national discussions about Aboriginal child welfare led to the incorporation of the Aboriginal Child Placement Principle into the practice of the Social Welfare Department in 1984.

Greg

I was born on Cape Barren. At the time I was taken the family comprised mum, my sister and [my two brothers]. And of course there was my grandmother and all the other various relatives. We were only a fairly small isolated community and we all grew up there in what I considered to be a very peaceful loving community. I recall spending most of my growing up on the Island actually living in the home of my grandmother and grandfather. The other children were living with mum in other places.

Until the time I was taken I had not been away from the Island, other than our annual trips from Cape Barren across to Lady Baron during the mutton bird season.

The circumstances of my being taken, as I recollect, were that I went off to school in the morning and I was sitting in the classroom and there was only one room where all the children were assembled and there was a knock at the door, which the schoolmaster answered. After a conversation he had with somebody at the door, he came to get me. He took me by the hand and took me to the door. I was physically grabbed by a male person at the door, I was taken to a motor bike and held by the officer and driven to the airstrip and flown off the Island. I was taken from Cape Barren in October 1959 [aged12].

I had no knowledge [I was going to be taken]. I was not even able to see my grandmother [and I had] just the clothes I had on my back, such as they were. I never saw mum again.

To all intents and purposes, I guess my grandmother was looked upon as my mother in some respects because of my association with her and when I was taken there are actual letters on my file that indicate that she was so affected by the circumstances of my being removed from the Island that she was hospitalised, and was fretting and generally her health went on her. A nursing sister on the Island had my grandmother in hospital and she was in fact writing letters to the Welfare Department to

find out, you know, how I was getting on and that sort of thing, and asking if I could go back to the Island for holidays. That was refused. My grandmother was removed from the Island and placed in an aged-care hospital, and I was taken to see her and when I did she had basically lost her mind and she did not know who I was.

It is fairly evident from reading my welfare file that [the teacher] was the eyes and ears of the Welfare Department and that he was obviously sending reports back to them about the conditions on the Island.

There is a consent form on [my] file that mum signed and it did include [my sister and my two brothers] – and their names were crossed out and mine was left. I do not know whether it was because I was at the top or not. I might add that most people that I have spoken to said that mum, whilst she could read her name, could not read or write, and obviously would not have understood the implications of what she was signing. [It] has been witnessed by the schoolmaster.

I was flown off the Island and ... I was flown to where the small planes land at Launceston. I was eventually placed with some people in Launceston. I have some recollection of going to school at some stage. I noted from my file that I was transported to Hobart in 1960 – my recollection of that was being put into a semi-trailer and picked up on the side of the road by some welfare officers down there. I was placed with some people in [Hobart], and I guess, fortunately for me, I could not have been in better hands because I still maintain a relationship with them; they look on me as their son. They had one daughter but Mrs — used to care for other foster children and the house was full of other non-Aboriginal children.

I had always wanted to return to the Island but I could never bring myself to hopping on a plane and returning. [It was] thirty years before I went back. [The night I returned] I could not settle. I think I had a cup of tea and I decided I would go in a different direction and I walked around the sand spit and - I do not know, something just made me turn around and look back and I looked to the school and - I just looked back to where we used to live as kids. My whole life flashed before me and I just collapsed in the sand and started crying ... And when I composed myself as best I could I just sort of reflected on things and my whole life was just racing through my mind and I guess I just wanted to be part of a family that I never had. I just wanted to be with my mum and my grandmother and my brothers and sisters.

The consent form signed by Greg's mother states the reason for his removal: 'I am a widow, in poor health'. After Greg was taken his mother had another daughter but Greg was not aware of her existence until 1994. One of Greg's brothers states that after Greg went their mother 'was in total despair'. They lived in conditions of extreme poverty in 'a run down shanty'. One afternoon their mother went drinking and suffered a fatal accident. Later the police came with a warrant to collect the children and flew them to Launceston. The boys were fostered together but each of the girls went to a

different family. The first time the five children were all together was in 1995.