

Part 2 Tracing the History

Chapter 8 South Australia

The general opinion of station people is that it is a mistake to take these children out of the bush. They say that the aboriginal mothers are fond of their children and in their own way look after them and provide for them and that when they grow up they are more easily absorbed and employed than those who have been taken out of their natural environment and removed to towns.

The Mission Representatives say that if the girls are left in the bush they only became the prey of white men and become mothers at a very early age. My experience has been that removing them to towns and to institutions does not overcome this trouble and only accentuates and increases it (Chief Protector of Aboriginals to Commissioner of Public Works, 27 August 1932).

Early policies and practices

In 1836, just two years after South Australia was founded as a 'free colony' unlike the penal settlements of New South Wales or Van Dieman's Land, the Governor issued a proclamation promising to protect Aborigines 'who are to be considered as much under the safeguard of the law as the Colonists themselves, and equally entitled to the Privileges of British Subjects'. In the same proclamation the Governor also said he would promote 'their conversion to the Christian faith'.

A Protector was appointed soon after and land was reserved for Indigenous people. Under the *Aboriginal Orphans Ordinance 1844* the Protector was appointed legal guardian of 'every half-caste and other unprotected Aboriginal child whose parents are dead or unknown'. The same law allowed for the apprenticing of Indigenous children 'of a suitable age' with parental consent. It was used to place a number of teenage boys attending the Aboriginal School in Adelaide as apprentices with the Harbours Department, the Colonial Engineers Department, a tannery and a bricklayer and as messengers for the Governor. Aboriginal girls were placed in domestic service. However, in most cases the children left the apprenticeships to return to their families and the law fell into disuse.

In 1839 the 'Native Location' School for Aboriginal children was established, followed by several more such schools in the 1840s. All became boarding schools so as to maximise control over the children.

The children's attendance is procured in various ways – some will come into the School because they prefer a regular supply of food to an irregular one and especially in the winter season; others are sent by the parents on condition that they receive a blanket for three months' attendance and others again are sent by the police if found begging about town. No healthy adult is entitled to receive a blanket on the Queen's Birthday unless he have a child in school.

Despite the early attempts at protectionism, the pattern elsewhere of violence and dispossession of Indigenous people repeated itself in South Australia. Matthew Moorhouse, Protector from 1839 until 1856, himself presided over a massacre of 30 Indigenous people in 1841. In 1856 the office of protector was abolished and by 1860 35 of the 42 reserves set aside for Aborigines had been leased to settlers.

From then until 1881 when another Protector was appointed, the protection of Indigenous people was left entirely to missionaries. The lack of government intervention gave the missionaries independence from the government but meant also that they received little contribution from it, apart from limited rations (primarily for the sick and old) and an annual ration of blankets. In this period no action was taken to control the depredations of pastoralists who removed children from their families and brutally put them into service as stockmen and servants.

The Government effectively condoned the forcible removal of Aboriginal children from their families by its inaction.

Missions – 1850-1908

In the nineteenth century missionary activity was mainly concerned with establishing settled farming communities near the coast and in the fertile inland areas on reserved land: Poonindie, Point McLeay, Point Pearce and Koonibba. Schooling on these missions was designed to distance Indigenous children from their family and community influences.

The reason why it is desirable to have boarders at all is, to withdraw the youth of the tribes from the contaminating and demoralizing influence of the vile practices carried on at the wurleys (George Taplin, Point McLeay, 1860).

'Protection' – 1908-1939

In 1908 the government appointed Senior Constable W G South to the position of Protector. From the following year the general child welfare law, the *State Children's Act 1895*, was used to remove Indigenous children on the ground of 'destitution' or 'neglect'. A child could be deemed 'neglected' if he or

she 'sleeps in the open air, and does not satisfy the Justices that he or she has a home or a settled place of abode' and 'destitute' if he or she has 'no sufficient means of subsistence ... and whose relations are ... in indigent circumstances and unable to support such a child'.

These definitions could easily be applied to children whose parents were nomadic, involved in seasonal (and therefore necessarily shifting) work or impoverished through loss of their land.

... children should be committed to the care of the State Children's Council where they will be educated and trained to useful trades and occupations, and prevented from acquiring the habits and customs of the aborigines, and I feel sure they will as a rule, grow up useful, self-supporting members of the community, instead of developing into worse than useless dependants (Protector South, 1909.

South lobbied for the power to remove Aboriginal children without a court hearing because the courts sometimes refused to accept that the children were neglected or destitute. In South's view all children of mixed descent should be treated as neglected.

The government responded by enacting the *Aborigines Act 1911* making the Chief Protector the legal guardian of every Aboriginal and 'half-caste' child with additional wide-ranging powers to remove Indigenous people to and from reserves. Under the Act family members could be separated from each other for disciplinary reasons.

The [Aborigines Act 1911] ratified institutionalization as a way of life and confirmed the status of Nungas as 'inmates' whose affairs and families were to be controlled in every respect. It supported vested economic interests by developing reserves as enclaves of slave labour and provided a hidden subsidy to rural.

South did not use his new powers immediately. He continued instead to use the *State Children's Act 1895* because it allowed him to send Indigenous children to children's homes where the emphasis was on training them to be sent out to work from the age of 14 years. He was scathing in his criticism of missions which he believed were creating dependence upon charity as well as ignoring the needs of residents. South argued that the policy should be to 'look after and feed the full blooded Aborigines and train the half castes and quadroons'.

Royal Commission 1913

A Royal Commission was established in 1913 'to inquire into and report upon the control, organisation and management of institutions ... set aside for the benefit of Aborigines'.

There was discussion about the appropriate age at which children of mixed descent should be taken from their families. The Secretary of the State Children's Council argued that they should be taken away as soon as they are born. 'If they are in the wurley for a week it is bad for them, but it is fatal for them to remain there a year.

Professor Stirling from the University of Adelaide, on the other hand, argued that the best time to take Aboriginal children was when they were about two years old.

The more of those half-caste children you can take away from their parents and place under the care of the State the better ... When they are a couple of years of age they do not require so much attention and they are young enough to be attractive.

I am quite aware that you are depriving the mothers of their children, and the mothers are very fond of their children; but I think it must be the rising generation who have to be considered. They are the people who are going to live on.

The Royal Commission also heard protests against forcible removals.

In regard to the taking of our children in hand by the State to learn trades etc., our people would gladly embrace the opportunity of betterment ... but to be subjected to complete alienation from our children is to say the least an unequalled act of injustice, and no parent worthy of the name would either yield to or urge such a measure (Matthew Kropinyeri quoted by Mattingley and Hampton 1992 on page 119).

The Royal Commission's final position favoured 'assimilation', as it later became known, in preference to segregation, at least for people of mixed descent.

... with the gradual disappearance of full blood blacks, the mingling of the black and white races and the great increase in the number of half castes and quadroons, the problem is now one of assisting and training the native to become a useful member of the community, not dependent on charity, but upon his own efforts.

As recommended by the Royal Commission the government took control of the missions at Point Pearce and Point McLeay. A decade later the *Aborigines (Training of Children) Act 1923* was enacted specifically to allow Indigenous children to be 'trained' in a children's institution and sent out to work. Any Indigenous child could be committed to any child welfare institution and once committed could be dealt with as *if* 'neglected' under the *State*

Children's Act 1895, which meant that the child could be apprenticed. The removal of a non-Indigenous child required a court finding of 'neglect' or 'destitution'. The 1923 Act dispensed with this requirement for Indigenous children. This was justified on the basis that it was less traumatic for Indigenous children.

The procedure is very simple, and is in no way analogous to the judicial proceeding whereby neglected or convicted children are put under the control of the State Children's Council. There is no publicity in the proceeding under the Bill, merely the execution of a document after an agreement has been reached between the Protector and the Council as to the transfer of the particular child (second reading speech, Hansard 17 October 1923 page 902).

The 1923 Act was vehemently opposed by Aboriginal families who petitioned the government. In 1924 a magazine editor condemned the practice of child removal.

There is not and never should be occasion for the Children to be taken away from their parents and farmed out among white people (J C Genders, editor of Daylight (magazine), 1924).

The protests met with some success. The operation of the Act was suspended in 1924. The South Australian Government told the Inquiry that it has been unable to confirm whether the Act was subsequently revived, although indications are that it was (SA Government final submission on page 12). The administrative removal power in the 1923 Act was re-enacted in the *Aborigines Act 1934*.

In 1936 David Unaipon spoke on the steps of the SA Parliament House and was quoted in the *News*.

We have been for nearly a century under a Chief Protector. Some of the men who have held that office have acted as 'protector' of the Government.

Missions

In the 1920s a 'second wave' of missionary activity began in South Australia. In 1924 the United Aborigines Mission (UAM) opened its first mission at Oodnadatta. The mission incorporated a school and a cottage for children. In 1926 the mission moved to Quorn where it became known as the Colebrook Children's Home. The UAM went on to establish missions at Swan Reach (which was later moved to Gerard and taken over by the Government in 1961-2), Nepabunna, Ooldea and Finnis Springs.

The children taken into Colebrook included some who were placed there

by their traditional mothers or non-Indigenous fathers because that parent was unable to care for them, those who had been taken from their families by non-Indigenous people to work for them and then ejected when their services were no longer wanted and children who were forcibly removed by government officials. In 1944 the Colebrook Home moved to Adelaide where it remained until it closed in 1981. From shortly after it opened until 1952 it was managed by Matron Ruby Hyde and Sister Rutter. 'They were Colebrook. Those kids went through hell on earth after they had gone'.

The UAM reviewed the role of Colebrook in a submission to the Inquiry.

I don't believe that mission personnel were involved in the forceful removal of children from their homes or in any way sought to bring pressure to bear on the parents ... The people who established this home were single lady missionaries ... They tell us they saw a desperate need and they responded to it without government funding or support. They sought to provide love, care and shelter and in some cases refuge to children who they saw as being vulnerable to harm ... When the very persons who were their only recourse to protection brought Aboriginal children to them, they were hardly in a position to refuse to take them in.

The missionaries who worked in this home over the years sought to provide Aboriginal children with an education and with the skills they felt the children would need to make their own way in an ever-expanding society dominated by non-Aboriginal culture. Some will say they were wrong in doing this but we believe it must be acknowledged that their desire was to do good and not harm.

Assimilation – 1936-1962

The definition of an Aboriginal person was broadened in 1939 to include anyone 'descended from the original inhabitants of Australia'. An exemption system was introduced at the same time to allow Indigenous people, who 'by reason of their character, standard of intelligence, and development are considered to be capable of living in the general community without supervision', to escape the application of the Act and the control of the Aborigines' Protection Board.

An exemption certificate entitled the holder to open a bank account, receive certain Commonwealth social service benefits, own land and purchase alcohol. All of these were denied to Indigenous people under the Act. On the other hand, holders of exemption certificates were not allowed to live with their families on reserves and even had to apply for permission to visit them. People could be stopped at any time by the police and required to show their certificates as proof of their 'status'. Exempt families remained vulnerable to the removal of their children, although for them a court hearing was necessary under general child welfare legislation.

Dad and Mum moved down to town. When they moved down to Adelaide things seemed to go wrong ... The inevitable come when Mum and Dad split up and Mum went back to her Homelands. But because we were light-skinned kids [the manager] told Mum she had to leave [the mission at Point McLeay known as 'Raukken'] and take us with her. I was about 5 or 6, something like that. Sooner or later you got caught up with [the welfare] because we didn't have anywhere else to go. But they made it that Mum had to leave Raukken with us. When she went back to town, there was no support of any sort. So she was told to take us to the courthouse. We had to appear in court. That was their job, to take light-skinned kids. Actually they told Mum to come back on a day to the courthouse when it was going to be heard and I think they told her 2 days wrong. When she come back we had already been committed as wards of the State. Same as they stamp on everyone – neglect.

[woman removed in the early 1940s along with her two sisters]

The system put Aboriginal families in a double-bind. If they wanted to receive Commonwealth social security benefits to assist them care for their children, they had to leave their homes and extended family on the missions.

'Assimilation' was not formally adopted as a policy by the Aborigines Protection Board until 1951. From the 1940s, however, assimilation was practised in all but name. It took the form of dispersal, moving people off the reserves where they had lived regulated lives to cities and towns. Dispersal had high social costs. Indigenous people who moved from the reserves found themselves financially struggling, isolated and discriminated against. Families found every aspect of their lives monitored and assessed against non-Indigenous standards that discriminated against them. People who were under the control of the Board (non-exempt) were regularly visited by Board officials. Those who were exempt ran up against the Board whenever they sought contact with their non-exempt families. With this ever-present level of intrusion, the numbers of children removed from their families as 'neglected' or 'destitute' increased.

They reckon we were starving which was not true because my mother never drink in her life. She had to stay with us and looked after [us], feed and wash us. Just because Mum was not married, they wanted to take us away. Really we were taken away for nothing.

[man removed in the 1950s along with 3 siblings and 4 cousins after welfare determined they were neglected]

In 1956 the relationship between the Aborigines Protection Board and the Children's Welfare and Public Relief Board was redefined.

a) *The part Aboriginal, whether exempted or not, who is living a fully independent life, earning and paying taxes, should be accepted into our community life. Neglected or destitute children from this group should be subject to the same court orders as other children and should continued to be placed, when necessary, in our departmental institutions with white children.*

b) *All other destitute or neglected Aboriginal or part Aboriginal children should continue to be the responsibility of the Aborigines Protection Board. In some cases, eg myall Aborigines living a tribal life etc it would be unthinkable to remove the children from their parents. In others, it seems hardly right to expect this Department to admit these children into departmental institutions when it has no power or authority in the matter of improving their usual living conditions.*

People removed remember a less cautious and less progressive approach.

I came into welfare care at 6 weeks of age when an officer of the [Department of Child Welfare] deemed my mother physically abusive towards me due to the fact of bruising on my body. This was not bruising it is what is known – and little known at that – as mongolian black spots. Many non-caucasian babies have this birthmarking ... In fact nothing was wrong with me I was not malnourished, unhappy, retarded or unclean ... I was back and forth from my mother to welfare until I was about 3 ... I was relinquished by my natural mother at 6 years old to be adopted by my foster family.

X

I grew up Oodnadatta area...with my grandmother and she would see the missionary coming ... she would run away with me. She would keep running away and the police ... would come sometimes and shoot the dogs and that and my grandmother would run in the creek and hide me away till about really dark and come back home ... I might [have] been about 10 or 11 years ... we seen one missionary coming ... one of my auntie roll me up like a swag sort of thing, you know, and hid me away...but I must have moved and he got me out and he said to me 'I'll give you a lolly and we'll go for a ride, go to Oodnadatta' ... they put me on a train and my grandmother was following the train – she was running behind the train, singing out for me ... then I was singing out 'I'll be back', I thought I was going for a holiday or something.

[woman removed from her grandmother's care in the 1960s; she was never informed of the grounds for her removal]

The 1951 Commonwealth-State conference at which the assimilation policy was further articulated spurred the South Australian Government to take action aimed at assimilation. State schools were opened to Aboriginal children and Aboriginal parents were urged to send their children to secondary schools. In many cases the children had to live away from home to attend secondary school, often in children's homes in Adelaide.

In 1954 the Aborigines' Protection Board began placing Indigenous children in non-Indigenous foster homes in preference to institutional care. Some of these children came from reserves such as Point McLeay and Point Pearce, others from the 'shanty towns' in country areas and the remaining few were from traditional communities in the far north or west of the State.

'The welfare'

The Board's guardianship of all Indigenous children was repealed by the *Aboriginal Affairs Act 1962*. However, the numbers of Indigenous children being removed for reasons of lifestyle and poverty under the general child welfare law did not decrease.

The new Department of Aboriginal Affairs favoured placement of removed children in hostels and institutions 'for the development of a positive Aboriginal identity'. It was not until 1967 that Indigenous children were fostered with Indigenous families. In that year 157 Indigenous children were in non-Indigenous foster homes, 123 in hostels or institutions, 29 with Indigenous families and 6 in 'medical facilities'. Many were adopted by non-Aboriginal people.

In 1972 the *Community Welfare Act* established the Department of Community Welfare and the separate legislation relating to Indigenous people was repealed. Despite the policy emphasis of the department on promoting the family relationship, a disproportionate number of Indigenous children continued to be removed from their families as 'neglected'.

Professional and organisational attitudes were at times slow to change. It was still possible for an Aboriginal child to be removed from his or her home because there was insufficient food in the house. Prevailing attitudes did not allow the provision of food, money and other material assistance as a family support measure to help prevent the removal of children.

After the Federal Government took responsibility for Aboriginal affairs in 1973, the State welfare department functioned as the regional office of the federal Department of Aboriginal Affairs while retaining responsibility for providing welfare services to Aboriginal people.

Role of AICCA's

In 1978 the South Australian Aboriginal Child Care Agency ('ACCA') was established 'to have an input into issues surrounding Aboriginal child welfare and to attempt to redress the injustices that were occurring within the government welfare field'. Of particular concern was the provision of culturally appropriate (and preferably Indigenous) alternative care. At the same time the department tried to place all Indigenous children who were unable to live with their own family with other Indigenous families and to de-institutionalise its care programs.

In the *Community Welfare Amendment Act 1982* cultural considerations were explicitly mentioned for the first time.

... in recognition of the fact that this State has a multi-cultural community, the Minister and the Department shall, in administering this Act, take into consideration the different customs, attitudes and religious beliefs of the ethnic groups within the community (section 10(4)).

In 1983 the Aboriginal Child Placement Principle became the official policy of the welfare department. However, in the same year there were still more Indigenous children in non-Indigenous foster placements than in Indigenous placements (SA Government interim submission page 19). The Principle was incorporated in the *Adoption Act 1988* and the *Children's Protection Act 1993*.

Fiona

1936 it was. I would have been five. We went visiting Ernabella the day the police came. Our great-uncle Sid was leasing Ernabella from the government at that time so we went there.

We had been playing all together, just a happy community and the air was filled with screams because the police came and mothers tried to hide their children and blacken their children's faces and tried to hide them in caves. We three, Essie, Brenda and me together with our three cousins ... the six of us were put on my old truck and taken to Oodnadatta which was hundreds of miles away and then we got there in the darkness.

My mother had to come with us. She had already lost her eldest daughter down to the Children's Hospital because she had infantile paralysis, polio, and now there was the prospect of losing her three other children, all the children she had. I remember that she came in the truck with us curled up in the foetal position. Who can understand that, the trauma of knowing that you're going to lose all your children? We talk about it from the point of view of our trauma but – our mother – to

understand what she went through, I don't think anyone can really understand that.

It was 1936 and we went to the United Aborigines Mission in Oodnadatta. We got there in the dark and then we didn't see our mother again. She just kind of disappeared into the darkness. I've since found out in the intervening years that there was a place they called the natives' camp and obviously my mother would have been whisked to the natives' camp. There was no time given to us to say goodbye to our mothers.

From there we had to learn to eat new food, have our heads shaved. So one day not long after we got there my cousin and I ... we tried to run back to Ernabella. We came across the train. We'd never seen a train before and it frightened the hell out of us with the steam shooting out. So we ran back to the mission because that was the only place of safety that we knew. She was only four and I was only five.

Then we had to learn to sleep in a house. We'd only ever slept in our wilchas and always had the stars there and the embers of the fire and the closeness of the family. And all of a sudden we had high beds and that was very frightening. You just thought you were going to fall out and to be separated. There was a corridor and our cousins were in another room. We'd never been separated before. And the awful part was we had to get into that train later on with one little grey blanket and go down to Colebrook ... a matter of weeks after. From that time until 1968 I didn't see [my mother]. Thirty-two years it was.

[I stayed at Colebrook] till 1946 [when] I was fourteen or fifteen. We were trained to go into people's home and clean and look after other people's children. I went to a doctor and his wife. They were beautiful people. I stayed with them a couple of years.

I guess the most traumatic thing for me is that, though I don't like missionaries being criticised – the only criticism that I have is that you forbade us to speak our own language and we had no communication with our family. We just seemed to be getting further and further away from our people, we went to Oodnadatta first, then to Quorn next, then when there was a drought there we went to Adelaide and went out to Eden Hills and that's where we stayed till we went out to work and did whatever we had to do.

I realised later how much I'd missed of my culture and how much I'd been devastated. Up until this point of time I can't communicate with my family, can't hold a conversation. I can't go to my uncle and ask him anything because we don't have that language ...

You hear lots and lots of the criticisms of the missionaries but we only learnt from being brought up by missionaries. They took some of that grief away in teaching us another way to overcome the grief and the

hurt and the pain and the suffering. So I'm very thankful from that point of view and I believe that nothing comes without a purpose. You knew that in those days there was no possibility of going back because cars were so few and far between and the train took forever to get anywhere so how could a five year old get back to the people.

I guess the government didn't mean it as something bad but our mothers weren't treated as people having feelings. Naturally a mother's got a heart for her children and for them to be taken away, no-one can ever know the heartache. She was still grieving when I met her in 1968.

When me and my little family stood there – my husband and me and my two little children – and all my family was there, there wasn't a word we could say to each other. All the years that you wanted to ask this and ask that, there was no way we could ever regain that. It was like somebody came and stabbed me with a knife. I couldn't communicate with my family because I had no way of communicating with them any longer. Once that language was taken away, we lost a part of that very soul. It meant our culture was gone, our family was gone, everything that was dear to us was gone.

When I finally met [my mother] through an interpreter she said that because my name had been changed she had heard about the other children but she'd never heard about me. And every sun, every morning as the sun came up the whole family would wail. They did that for 32 years until they saw me again. Who can imagine what a mother went through?

But you have to learn to forgive.