

Part 2 Tracing the History

Chapter 9 Northern Territory

The removal of the children from Wave Hill by MacRobertson Miller aircraft was accompanied by distressing scenes the like of which I wish never to experience again. The engines of the 'plane are not stopped at Wave Hill and the noise combined with the strangeness of an aircraft only accentuated the grief and fear of the children, resulting in near-hysteria in two of them. I am quite convinced that news of my action at Wave Hill preceded me to other stations, resulting in the children being taken away prior to my arrival.

I endeavoured to assuage the grief of the mothers by taking photographs of each of the children prior to their departure and these have been distributed among them. Also a dress length was given [to] the five mothers. Gifts of sweets to the children helped to break down a lot of their fear and I feel that removal by vehicle would have been effected without any fuss (report from patrol officer, 23 December 1949).

Occupation of the Territory

In 1863 the area now known as the Northern Territory came under the control of South Australia. By 1903 the whole area was leased to non-Indigenous people. As there were few non-Indigenous women, relationships between the Indigenous women and non-Indigenous men were relatively common. The consequence was a growing population of children of mixed descent who were usually cared for by their mothers within the Aboriginal community.

As in other parts of Australia Indigenous people were brutally dispossessed. Forced off their land they moved to pastoral stations or to the edges of non-Indigenous settlement. The stations depended upon the labour of Aborigines but paid barely subsistence wages in the knowledge that Aboriginal people had few other choices. Although a part-time protector was appointed by the South Australian Government in 1864, 'there was a general lack of concern for the welfare of Aborigines in the Territory'.

Apart from the Hermannsburg mission on the Finke River in central Australia, the difficulties in accessing the region effectively deterred the establishment of missions in the Northern Territory until the twentieth century.

The Hermannsburg mission was founded by Lutheran missionaries in 1877 and continued until 1982 when the lease on the land was finally

surrendered and the land returned to Aboriginal people. Shortly after arriving, the missionaries gathered the Aboriginal children daily for schooling, with the promise of rations afterwards.

Protection and segregation – 1890-1937

By the 1890s the presence of pale-skinned Indigenous children within the Aboriginal communities and the sexual exploitation of young Indigenous girls by non-Indigenous men were matters of public concern. In response the Government Resident sought to take these children away from the communities in which they were living and place them in the care of missions.

From 1899 the Protector of Aborigines for the Northern Territory, Frederick Goldsmith, argued for the establishment of an industrial school. Although the *Aboriginals Ordinance 1844* (SA) allowed for the apprenticing of 'orphan' and 'half-caste' Aboriginal children, these children tended to run away.

By 1909 the 'half-caste' population of the Northern Territory was estimated at 200, of whom one-third were females of child-bearing age. Darwin's European population then numbered about 300. The fact that Aboriginal girls often became pregnant at a young age and bore a relatively large number of children compared to non-Indigenous females raised fears among non-Indigenous people that 'half-castes' would soon be in the majority. For Dashwood's successor as Government Resident, C E Herbert (1905-10), the answer lay in establishing a reserve on which all people of mixed descent could be confined.

Legislation 1910, 1911

The *Northern Territory Aboriginals Act 1910* established the Northern Territory Aboriginals Department 'to provide, where possible, for the custody, maintenance and education of the children of Aboriginals'. Under this Act the Chief Protector was appointed the 'legal guardian of every Aboriginal and every half-caste child up to the age of 18 years', whether or not the child had parents or other living relatives. The Chief Protector was also given power to confine 'any Aboriginal or half-caste' to a reserve or Aboriginal institution.

Just a few weeks after the passage of the 1910 Act the Commonwealth took control of the Territory and enacted the *Northern Territory Aboriginals Ordinance 1911*. The Chief Protector was further empowered to assume 'the care, custody or control of any Aboriginal or half caste if in his opinion it is necessary or desirable in the interests of the Aboriginal or half caste for him to do so'. These powers were retained until 1957.

Spencer report

Following a 12 month posting as Chief Protector in 1912, Professor Walter Baldwin Spencer reported,

No half-caste children should be allowed to remain in any native camp, but they should all be withdrawn and placed on stations. So far as practicable, this plan is now being adopted. In some cases, when the child is very young, it must of necessity be accompanied by its mother, but in other cases, even though it may seem cruel to separate the mother and child, it is better to do so, when the mother is living, as is usually the case, in a native camp.

In town areas, Spencer argued, compounds should be established to contain all the Aboriginal people. They would be required to undertake agricultural work to make their compound self-sufficient. In rural areas, stations were to be established under the control of a Superintendent. Their aim would be to train the residents in industrial work, such as carpentry, agriculture and stock work for males and domestic work and gardening for females. Removed from Aboriginal people of full descent they would be schooled, trained and encouraged to marry other 'half-castes'.

Kahlin Compound and The Bungalow

Kahlin Compound was established outside Darwin in 1913. The training the children received 'involved little more than doing the jobs needed to keep the Home and its inmates clean and orderly; occasionally some needlework was taught'. 'The boys were quite free as far as the reserve was concerned but the girls had to be locked up in dormitories like birds in a cage'. At 14 years the children were sent out to work.

In 1914 an Aboriginal woman, Topsy Smith, arrived in Stuart (as Alice Springs was known until 1933) with her seven mixed descent children following the death of her husband. The local Protector, Sergeant Stott, to whom the Chief Protector's guardianship and removal powers were delegated, obtained approval for the erection of an iron shed, which came to be known as 'The Bungalow', on land adjoining the police station. The practice began of removing light-skinned children from Aboriginal camps and placing them under the care of Topsy Smith.

Bungalow matron, Ida Standley (1916-29), was firmly of the view that the children needed to be kept away from their families. 'What it takes us five years to build up is undone by the black influence in 5 minutes'. But in fact the conditions under which the children were kept encouraged proximity with their families: lack of room in the small sheds meant that they slept in the open; lack of food meant that they went out searching for it and depended upon family and friends to bring them food from the bush.

1918 Ordinance

The *Aborigines Ordinance 1918* extended the Chief Protector's control over Indigenous people even further. Aboriginal females were under the total control of the Chief Protector from the moment they were born until they died

unless married and living with a husband 'who is substantially of European origin'. To marry a non-Indigenous man they had to obtain the permission of the Chief Protector. They could be taken from their families at any age and placed in an institution. They could be sent out to work at a young age and never receive wages. They had no right of guardianship over their own children who could be similarly taken from them. Male Aborigines fared little better except that they could be released from guardianship at 18.

During the 1920s the pace of forcible removals increased, leading to severe overcrowding in Kahlin Compound and The Bungalow. The Methodist Missionary Society indicated it was prepared to take the mixed descent children from the Kahlin Compound, where they still had some contact with their family, to its mission on Goulburn Island.

This proposal threatened the availability of cheap domestic labour from the Compound and was opposed by Darwin residents. To accommodate employers a government house just outside the Compound was taken over in 1924 for the girls and the younger boys and became known as the Half-Caste Home. Compound families were thereby separated.

By 1928 overcrowding at the Half-Caste Home had reached a critical level with 76 inmates living in 'house large enough for only one family'. In 1931 the boys were moved to Pine Creek to relieve the pressure on the Home.

At The Bungalow in the 1920s about 50 children and 10 adults lived in the three exposed sheds, crowding together on the floor to sleep at night, eating the meagre meals provided on the ground.

There's where food was scarce again. Hardly anything ... night time we used to cry with hunger, y'know, lice, no food. And we used to go out there to the town dump ... we had to come and scrounge at the dump, y'know, eating old bread and smashing tomato sauce bottles and licking them. Half of the time our food we got from the rubbish dump. Always hungry there.

That's another thing – culture was really lost there, too. Because religion was drummed into us, y'know, when we'd be out there and we'd have knuckle-up and that, we were that religious we'd kneel down in prayer ... We had to pray every time you swear or anything, you'd go down on your hands and knees ... they pumped that religion into us.

[Northern Territory: man removed to Kahlin Compound at 3 years in the 1930s; subsequently placed at The Bungalow.]

It is more than a scandal. It is a horror. The best that can be said of it is that it is reasonably clean, but that is the fault of its mistress and not of the Commonwealth Government and of those Federal Ministers and members who let it remain as a blot

on Australia ... At night the doors cannot be locked. Inevitable trouble results. Residents of Central Australia a hundred miles from Alice Springs told me that the place was a moral cesspit, and if the stories which they related were only an eighth true ... they would make the whole community recoil with horror if they could be repeated ... At the Alice Springs bungalow the appearance of everybody and everything convicts the Home and Territories Department of the progressive destruction of 50 young promising human lives and souls (newspaper report 1924).

Yet for some mothers with their children, confinement in The Bungalow at least offered the chance of survival. From 1924 to 1929 central Australia suffered one of the worst droughts on record. Aboriginal people in search of food who came too close to land controlled by non-Indigenous people were liable to be shot. Curable diseases caused blindness, misery and death.

The Commonwealth Government cast about for measures to relieve the overcrowding in the institutions and to remove mixed descent children more completely from Indigenous influence. The South Australian Government was asked if it would accept the children but declined claiming that it had no suitable institutions for such young children and that 'it would introduce an undesirable element in the population'. Nevertheless, older mixed descent girls from the Northern Territory were welcome in South Australia as domestics during the 1920s owing to a shortage of labour there.

The conditions at The Bungalow reached crisis point in 1928. It was decided to move the 45 children (37 of whom were under the age of 12) to a temporary 'home' at Jay Creek, 45 kilometres west of Alice Springs. Another 90 living with their families and on cattle stations were targeted for removal to a new home if they had not been 'too long with nomadic blacks to be desirable inmates'.

At Jay Creek the superintendent and matron lived in two tents while the children were housed in a corrugated iron shed where they suffered from a severe shortage of water, extreme cold in winter and lack of protection from the rain when it came. In 1932 the Bungalow children at Jay Creek were moved yet again, on foot, to the cheaply refurbished former telegraph station at Temple Bar, 11 kilometres from Alice Springs. In 1933 they were joined in Central Australia by most of the boys from Pine Creek in the Top End. By 1935 132 children lived at The Bungalow.

Bleakley report

In 1927 the Commonwealth Government, responding to pressure from the Association for the Protection of Native Races, set up an inquiry under J W Bleakley, the Queensland Chief Protector of Aborigines, into its administration of Aboriginal affairs in the Territory. In his 1929 report Bleakley estimated that the Aboriginal population of the Northern Territory was about

21,000 people, including about 8,000 'half-castes'. He found that many Aborigines were not being paid wages, their living conditions were appalling, Aboriginal children were not being schooled and the institutions run by the government 'were badly situated, inadequately financed and insufficiently supervised'. Bleakley, however, was impressed with the work of the missions.

Bleakley proposed that all illegitimate 'half-castes' under the age of 16 years be placed in government-subsidised mission homes for education and vocational training. He proposed that children be sent to different mission institutions according to their proportion of 'European blood'.

Chief Protector Cook 1927-39

In 1927 Dr Cecil Cook was appointed Chief Protector and Chief Medical Officer. He was the first full-time Chief Protector since 1914. Cook was preoccupied with the continuing increase in the numbers of mixed descent children, foreseeing 'a danger that half-castes would become a numerically preponderant under-class, in conflict with the white population of the north'. Cook's solution was similar to that proposed by Chief Protector Neville in WA, namely, the absorption of people of mixed descent.

Generally by the fifth and invariably by the sixth generation, all native characteristics of the Australian aborigine are eradicated. The problem of our half-castes will quickly be eliminated by the complete disappearance of the black race, and the swift submergence of their progeny in the white ... The Australian native is the most easily assimilated race on earth, physically and mentally.

Removal of children from their families was the way to achieve this end.

Children are removed from the evil influence of the aboriginal camp with its lack of moral training and its risk of serious organic infectious disease. They are properly fed, clothed and educated as white children, they are subjected to constant medical supervision and in receipt of domestic and vocational training.

Unlike Bleakley, Cook was fervently opposed to mission involvement. He felt that the different approaches of the various missions created the potential for disparate treatment of 'half-castes' and could jeopardise his vision of genetically engineered future 'absorption'. He wanted to close existing missions where they did not conform to his standards for diet, accommodation and sanitation.

Nevertheless, he agreed with Bleakley that 'quadroon' ('quarter-caste') and 'octoroon' (one-eighth Indigenous descent) children should be treated differently to promote their chances of absorption. To that end school-aged 'quadroon' girls in the north were sent to board at Darwin Convent. With no convent in Alice Springs, paler skinned girls stayed at The Bungalow but were

expected to marry non-Indigenous men. Cook discontinued the practice of sending 'half-caste' children south for work.

The Bleakley report was discussed at conferences in 1929 and 1930. In the Depression climate of cost-cutting his proposals to spend more on Indigenous people were unwelcome to the government. Ultimately Cook's views prevailed and the Half-Caste Home and The Bungalow continued under government control as previously with no improvements.

In the 1930s an Aboriginal group emerged called the Northern Territory Half-Caste Association. It successfully lobbied for the introduction of an exemption system in an amendment to the *Aboriginals Ordinance* in 1936. According to this amendment a 'half-caste' could be declared 'not a half-caste' and thereby not subject to the 1918 Ordinance, although the declaration could be revoked at any time.

In the Northern Territory, half-caste aliens constitute a perennial economic and social problem and their multiplication throughout the North of the continent is likely to be attended by grave consequences to Australia as a nation (1938 NT Administrator's Report).

By the late 1930s the Temple Bar premises were in a state of collapse.

I went carefully through this building this week and to use entirely unofficial language, the whole place stinks and is in exceedingly bad condition (Administrator C L Abbott).

Conditions at the Half-Caste Home were little better. There was never enough food.

The porridge, cooked the day before, already was sour and roped from the mould in it, and when doused with the thin milk, gave up the corpses of weevils by the score. The bread was even worse, stringy grey wrapped about congealed glue, the whole cased in charcoal. The tea had most of the leaves floating on top (former Acting Superintendent, Xavier Herbert).

The widow and son of an Anglican parish priest who visited The Bungalow during the 1930s told the Inquiry,

... there was an air of gloom and repression about the place and the children were sad, silent and sullen. There was no laughter and it was a slow process to gain the confidence of the children ... The children and their mothers were frightened to say anything and had not the wherewithal to cope with the problems. Eventually one of the older girls plucked up enough courage to smuggle out a letter of complaint which came to the notice of the

authorities ... On receipt of the letter the superintendent was immediately dismissed and left Alice Springs overnight.

Girls of all ages from babies to adolescents slept in one dormitory that was poorly ventilated. There were rows of three tiered beds. Such cramped conditions led to all sorts of emotional and developmental pressures on those subject to them. The boys slept in a separate dormitory under similar circumstances.

The advent of a new superintendent changed things markedly. The general situation improved ... [but] the children took a long time to recover from the repressive treatment (Mrs Isabelle and Mr John Smith).

Missions

By the early 1930s there were seven missions operating in the Northern Territory, most of them around the northern coast. Together they claimed to be caring for 1,100 Aborigines by the late 1920s and in contact with a further 1,300. The brutality that characterised the non-Indigenous occupation of parts of the Northern Territory meant that the missions were often the only place of sanctuary.

Typically, the children were housed in dormitories, attended school daily and undertook work around the mission.

One [dormitory], measuring 22 feet by 12 feet is used as a sleeping room for about 25 boys. It has three small barred windows and a small closet at one end. The floor is sanded, and on this the boys sleep with a bluey between each two of them. They are locked in at sundown and released at 8 o'clock in the morning. The other is somewhat larger, and has a verandah closed in with strong pickets round two sides and a closet at the end. There are six small windows, two of them opening on to the closed-in verandah. The floor of this is also sanded, and on it about 30 girls sleep. The hygienic state of these dungeons during the extremely hot summer nights can better be imagined than described. The sand is renewed once every two weeks, which is quite necessary (description of the dormitories on the Hermannsburg mission in 1923).

Contact with family and community was discouraged. The Church Missionary Society (CMS) which founded the Roper River mission in 1908 told the Inquiry that it treated children of full descent and children of mixed descent separately in accordance with the prevailing views of the day. In 1924 all Roper River children of mixed descent were removed to Groote Eylandt.

Several of these children in later adult years recalled the sorrow of that separation. CMS, however, saw what they were doing as creating some positive opportunities for these children. None of these separations were permanent. Their mothers visited them on Groote Eylandt, and some spent school holidays and other times with their mothers at the Roper River Mission.

The missions received little government funding until the mid-1930s which made it very difficult for them to provide dispossessed Aboriginal people with sufficient food or water.

The stated intentions of the mission were to protect Aboriginal people from exploitation and murder, to bring the Christian faith, and to provide European education and vocational training. Right from the outset, CMS was concerned about the obligations which the then South Australian government might place upon them if government funding was accepted. The first missionaries told the Premier that they 'did not care to devote their lives to training cheap labour'.

After 1936 more money was forthcoming but it was still grossly inadequate. The Commonwealth was generally reluctant to spend more than the absolute minimum possible on Aboriginal people in the Territory. In addition some officials, notably Spencer and Cook, viewed missionary activity with contempt.

[T]he philosophy of Croker [was] 'a place where children could be saved from the destructive forces of Territory society'. The Territory society at that time [1939-1941] was a pretty rough place from the perspective of missionaries, and there was often conflict between traders and missionaries.

Disease was prevalent at the missions. At Hermannsburg many children died from whooping cough in the late 1920s after those initially infected were not isolated. At Oenpelli the children's eyesight was endangered by insufficient light in the classroom. At Groote Eylandt almost 50% of one generation of people of 'mixed descent' suffered from leprosy due, according to Chief Protector Cook, to 'low resistance following years of improper feeding'. Such conditions confirmed Cook's low regard for the caring capacity of the missions.

Assimilation – 1937-1973

Some of the complaints about the Half-Caste Home and the Bungalow came before the 1937 Commonwealth-State conference. Although Cook refuted the content of those complaints, he did concede that there were some legitimate concerns. He presented a picture of the Northern Territory in a few years into the future when the 'half-caste' population was numerically as great

as the non-Indigenous population and threatening their power. To avoid this scenario 'everything necessary [must be done] to convert the half-caste into a white citizen'.

McEwen's New Deal

In 1937 John McEwen was appointed Minister of the Interior. He was determined to raise the profile of his portfolio and show the Commonwealth to be leading the way in the field of Aboriginal affairs. For example, he wanted his field staff educated in anthropology and law. He visited the Territory shortly after his appointment and was shocked by conditions at The Bungalow and the Half-Caste Home in Darwin.

I know many stock breeders who would not dream of crowding their stock in the way that these half-caste children are huddled.

In 1939 McEwen announced his 'New Deal' based on greater government control over people of mixed descent, with the exception of those sufficiently versed in non-Indigenous ways to apply for an exemption.

Cook's policy of biological absorption was displaced by economic and social assimilation. Education of 'half-castes' to the 'full white standard' received more attention. Children of mixed descent were to be removed to government institutions where 'up to a certain age, the children of both sexes would be given the care necessary for young children and certain elementary education'. The missions would take an expanded role as the inculcation of Christian 'moral values' was seen as a way of promoting assimilation.

'Quadroons' and 'octoroons' were to be institutionalised separately, either in the Territory or inter-State. A new compound was constructed urgently at Darwin, the Bagot Aboriginal Reserve. In 1939 the inmates of the Half-Caste Home were transferred there to join those from Kahlin Compound. The move angered McEwen.

This is the very opposite of what has been agreed upon as the proper care of the half-caste people, the idea being to raise their status by keeping them away from the Aborigines. I could not, without being unparliamentary, express the shame I feel that no money has been provided in the Estimates this year to correct this state of affairs.

However, McEwen's plans and policy proposals came to an abrupt end with the commencement of the Second World War and his transfer to the defence portfolio in 1941.

WWII and its aftermath

The bombing of Darwin in February 1942 forced the evacuation of the

missions in the Northern Territory. The children were taken to 'homes, rented rural housing and disgraceful makeshift camps' (Austin 1993 page 215) in South Australia, New South Wales and Victoria. They lived there for several years, far from their families and communities. In 1946 some but not all of these children returned to the Territory. Some went 'missing'. Others were refused financial assistance by either the Commonwealth or the State governments to return to the Territory.

After the War, the forcible removal of Indigenous children recommenced. Patrol officers were required to report on the presence of children of mixed descent living in Aboriginal communities and make arrangements for their removal to settlements and mission homes.

Some of the mothers have said that the day the patrol officer and a woman missionary arrived to remove them they were told that the children were going on a picnic, something they were used to ... 'We were tricked', one mother said afterwards and others agree.

Sixteen children, all related in one way or another, were removed from the mission on a day Julia has never forgotten. The version as presented by the woman missionary years later was that at the request of the Native Affairs Branch she gained the consent of 16 or 18 mothers of the same number of children, and implied that the two children not taken were left solely because their mothers did not consent. However as she (as well as the missionaries based there) did not speak any Aboriginal language at all, and the mothers did not speak English, it is not credible that any form of informed consent was obtained.

The assembled children were loaded into the truck very suddenly and their things thrown in hastily after them. The suddenness and the suppressed air of tension shocked the mothers and the children and they realised something was seriously wrong ... Children began to cry and the mothers to wail and cut themselves ... The tailgate was slammed shut and bolted and the truck screeched off with things still hanging over the back and mothers and other children running after it crying and wailing.

An official protest in 1949 by one of the patrol officers at having to effect such removals caused considerable argument in government circles during the early 1950s. The Government Secretary advised that the practice seemed likely to attract 'criticism for violation of the present day conception of 'human rights' and 'to outrage the feelings of the average observer'. In October 1951 Dr Charles Duguid, President of the Aborigines Advancement League, received widespread publicity when he called the practice of taking babies from their mothers 'cruel' and 'the most hated task of every patrol officer' (*Between Two Worlds*, page 57).

The Director of Native Affairs maintained that removals were for the benefit of the children concerned and conducted humanely. Nevertheless instructions were issued that children under the age of four years were not be removed, that no child was to be removed 'until the Director is satisfied that a painstaking attempt has been made to explain to the mother the advantages to be gained by the removal of the child' and that aircraft were not be used to remove children unless there was no other transport available (*Between Two Worlds*, page 55). The age at which children could be taken was subsequently revised downwards to three months on the basis of a psychological theory that very early separation was less traumatic for both mother and child.

At the beginning of the 1950s NT missions cared for 360 children (Cummings 1990 page 79) which was most if not all of the mixed descent children in the Territory .

Retta Dixon Home

One of the main homes for these children was the Retta Dixon Home, run by the Aborigines Inland Mission (AIM). It opened after the War with 51 children and eight young women housed in temporary premises in the Bagot Compound (Aborigines Inland Mission submission 535). It operated until 1980. According to AIM '[t]he number of children [in the Home] steadily climbed as the Native Affairs officers constantly asked for additional children to be accommodated. The total stabilised at around 100, but there was a time when a peak of 120 was reached'.

Accommodation was in dormitories. Breast-feeding mothers were allowed to stay with their babies for a few months but once weaned the infants were taken from them and placed in the nursery. Mothers could only see their children during the day. At night the infants were in the charge of the mission staff.

As well as receiving children who had been forcibly removed by government officials, former inmates of the Kahlin Compound and the Half-Caste Home 'more or less voluntarily committed their children to Homes as they failed to cope in a hostile social and economic environment for which their own institutional background had ill-prepared them'.

A 1953 inquiry by a patrol officer with the Native Affairs Branch into conditions at Retta Dixon and other mission homes for children of mixed descent reported,

The Home in its present location and form is a failure, and the children are merely benefitting to the extent that they are clothed, fed, and are receiving some form of education. The only other contribution to their upbringing is perhaps the religious training given by the staff, which to my mind is made to play far

too important a part in their formative years, and is far too restrictive.

No government action was taken following the report but AIM decided to construct new premises based on the cottage system.

Inexperienced staff, a high rate of staff turnover, and the frequent transfers of children from cottage to cottage without explanation, prevented a family-style environment from developing. While it was intended that the cottages were supervised by a married couple, most often, it was young, single females who had usually just come up from south. The burdens placed on these young women and the stresses and frustrations they experienced, were no doubt responsible for the brutal punishments that often occurred.

‘The welfare’

Following the 1951 Commonwealth-State Ministers Conference Paul Hasluck, the Minister for the newly created portfolio of Territories, urged the Commonwealth Government to adopt a national coordination role and set an example in the Northern Territory by taking active measures to encourage assimilation. Indigenous people of full descent as well as mixed descent people were now subjected to control.

The *Welfare Ordinance 1953* repealed the 1918 Ordinance. It was intended to be the vehicle of assimilation. Its original intent was to move away from the protectionist approach to Aboriginal welfare and subject all Aboriginal people to the same welfare legislation as non-Indigenous people. Accordingly, it made no mention of race, referring instead to ‘wards’. A ward was any person who ‘by reason of his manner of living, his inability to manage his own affairs, his standard of social habit and behaviour, his personal associations ... stands in need of special care’.

The Director of Welfare was made the guardian of all wards. People who were made wards were denied the most basic of human rights concerning their person and property. They could be taken into custody and removed to a reserve or institution and the Director could take control of any property they possessed. The Director’s functions included maintaining a ‘Register of Wards’, commonly known as ‘the stud book’.

In response to concerns among non-Indigenous Territorians that they could be subject to wardship under the Ordinance, it was amended to make it quite clear that it was only designed to target Aboriginal people. This was done by specifying that people with voting rights could not be made wards. The Ordinance effectively excluded nearly everyone except Aboriginal people. Non-Indigenous children could only be dealt with under the *Child Welfare Ordinance 1958* which permitted their removal only on a children’s court

finding of neglect or destitution.

The 1953 Ordinance entered into effect in 1957. It was accompanied by a blanket gazettal of wardship of all Aborigines of full descent, with a few notable exceptions. The Welfare Ordinance proceeded on the assumption that Aboriginal people of mixed descent had been assimilated although they could be the subject of individual declarations. Within a family or a community some members might be wards and others not.

The presumption of assimilation made in the Welfare Ordinance must be assessed against the reality of the urban Aboriginal experience in the 1950s and 60's. Darwin at this time had the barest of public housing programs. There were no child care centres and very limited employment opportunities. The employment that was available to women – basically domestic service in the households of public servants – did not allow for a woman to work and at the same time care for her children.

These conditions ensured that an urban Aboriginal family unit would fulfill the criteria for a declaration of wardship under the Ordinance. However, the result of a declaration itself caused profound social effects to some into play. Inevitably the whole family unit was not declared wards. Rather, only the children were. The children, once declared, were then removed to one of the mission stations. The result of the delivery of family services was then to effect the separation of the family 'in the interests of the child'. Of course there was an alternative, a woman could enter into a 'private arrangement' with a mission institution to care for her children. This avoided the direct intervention of the government, but the resulting family dispersion was the same.

If children who had been made wards absconded from the mission home or proved unmanageable there were no other facilities in the Northern Territory for them. Unless they were allowed to be returned to their parents they would be sent to a juvenile detention centre in one of the southern States.

In 1955 the Commonwealth Government decided that Aboriginal children would have greater opportunities if they left the Territory and lived in a foster home, boarding school or other educational institution in one of the southern States. This scheme continued until the late 1960s.

Perhaps the most positive step taken by the Government in regard to part-aborigines has been to transfer where practicable, part-aboriginal children from the Territory environment, and give them a chance to develop normally in southern States ... Since this scheme began in 1956, 63 children have been transferred to foster homes and institutions in southern States where they are attending technical colleges and high schools, and undertaking

apprenticeships, nursing and other courses; as at 30th June, 1961, 47 of these children were being maintained under the Scheme (Progress towards Assimilation 1960 page 22).

Reverend Bernie Clarke, who worked at the Croker Island mission, described the selection of foster families in South Australia.

[T]here was an active program of fostering children in which the government elicited the support of the churches ... The churches would provide the Northern Territory Welfare Department with lists of names of people willing to be foster parents. Children from the age of four upwards] would then be placed in a foster placement here in South Australia ... [I]t was a direct arrangement between the church and the Welfare Department in the Northern Territory.

In my experience, nearly every foster arrangement resulted in those children going back to search for their roots – nearly everyone tried to find out.

The *Social Welfare Ordinance 1964* repealed the 1953 Ordinance. The distinction made by the government in the 1953 Ordinance in its treatment of full descent and mixed people was further emphasised in the 1964 Ordinance. Under the 1964 Ordinance entry to reserves was limited to people who 'in the opinion of the Director are socially or economically in need of assistance'. The effect of this restriction was to force many island mission residents into urban communities. Despite being made to relocate in a traumatic way, little government assistance was provided. A 1958 survey revealed that approximately 1,200 people in Darwin were living in sub-standard huts and 103 people living at Mindl Beach were in 'something which amounted to far less than huts'.

The repeal of the 1953 Ordinance meant that Indigenous children came under the same removal legislation as non-Indigenous children, the *Child Welfare Ordinance 1958*. However, the conditions of life for Indigenous people put them at greater risk of having their children removed on the ground of neglect or destitution. The inaccessibility of the courts to Indigenous people, too, rendered most procedural protections ineffective.

It seems to me that ordinary concepts of justice require that if an allegation is made that a child is under unfit guardianship then the mother or other guardian must be given adequate notice of the Children's Court hearing at which the link between mother and child is likely to be severed, if not permanently, then for an appreciable time. So far as Aboriginal women are concerned, time and trouble must be taken to ensure that the mother understands what is alleged against her and what the result of

the proceedings may be. The assistance of the Aboriginal Legal Aid Service should be enlisted for this purpose (Justice Forster).

In 1967-68 almost 18% of Territory Indigenous children were in government care.

Towards the end of the 1960s foster care began replacing institutional care and the mission homes began closing, although some were operating until 1980. Although foster care was regarded by non-Indigenous workers as better for the children than institutional care, it meant that children of mixed descent were more isolated than they were in places like the Retta Dixon Home. In 1971 97% of Territory children in foster care were Indigenous (Armitage 1995 page 62). The Department of Social Welfare noted, 'Most part-Aboriginal children have been fostered by white people, and full-blood Aborigines by full-blood Aborigines'.

Self-management

The assimilation policy was discarded in favour of self-management as Commonwealth policy in 1973. However, as no data were kept by the Commonwealth Department of Aboriginal Affairs which administered welfare policy until its responsibilities were taken over by the NT Department of Community Welfare in 1977, it is difficult to assess the practical effect of this change. By the date of Territory self-government the subsidisation of missions to care for Aboriginal children was regarded as out-dated and inappropriate.

In 1979 an independent community-controlled child care agency for Aboriginal children was established instead named 'Karu', a Gurindji word meaning 'child'. In 1984 Karu received funding to recruit Aboriginal foster parents and reunite Aboriginal children and families. Even before that the newly created Department of Community Welfare sought to use extended family networks to care for Aboriginal children. From the late 1970s there was a marked decrease in the number of Indigenous children taken into government care although there was still a disproportionate number of Indigenous children in care.

The *Community Welfare Act 1983* incorporated the Aboriginal Child Placement Principle for the first time in legislation in Australia. It was also included in the *Adoption of Children Act 1994*. Referring to Justice Forster's 1976 criticism of child welfare practice quoted above, the Northern Territory Government representative told the Inquiry,

Why it may have taken until 1983 for those sort of values to be enshrined in both the Adoption of Children Act ... and the Community Welfare Act ... I don't know, but certainly in terms of the people who were involved in that matter Justice Forster's words continued to ring in their ears for a very long time.

Evie

My grandmother was taken from up Tennant Creek. What gave them the right to just go and take them? They brought her down to The Bungalow [at Alice Springs]. Then she had Uncle Billy and my Mum to an Aboriginal Protection Officer. She had no say in that from what I can gather. And then from there they sent her out to Hermannsburg – because you know, she was only 14 when she had Uncle Billy, 15 when she had Mum. When she was 15 and a half they took her to Hermannsburg and married her up to an Aranda man. That's a no-no.

And then from there, when Mum was 3, they ended up taking Mum from Hermannsburg, putting her in The Bungalow until she was 11. And then they sent her to Mulgoa mission in New South Wales. From there they sent her to Carlingford Girls' Home to be a maid. She couldn't get back to the Territory and she'd had a little baby.

Agnes [witness's sister] and I have met him [their older brother]. We met him when he was 35. He's now 42 so that's not that far away. Mum had him and she was working but she doesn't know what happened to her money. When she kept asking for her money so she could pay her fare back to Alice Springs they wouldn't give her any.

I've got paperwork on her from Archives in New South Wales. There's letters – stacks of 'em – between the Aboriginal Protection Board, New South Wales, and Northern Territory. All on my mother. They were fighting about which jurisdiction she was in – New South Wales yet she was a kid from the Northern Territory. So one State was saying we're not paying because she's New South Wales, they should pay.

In the end New South Wales said to Mum, 'We'll pay your fare back on the condition that because you haven't got a husband and you've got a baby, you leave that baby here'. So she left her baby behind and came back to the Territory.

And then she had me and then my brother and another two brothers and a sister and we were all taken away as soon as we were born. Two of them were put in Retta Dixon and by the time they were 18 months old they were sent down south and adopted. She had two kids, like they were 15 months apart, but as soon as they turned 18 months old they were sent down south and adopted out.

One of them came back in 1992. He just has that many problems. The others – we don't know where they are. So it's like we've still got a broken family.

I was taken away in 1950 when I was 6 hours old from hospital and put into Retta Dixon until I was 2 months old and then sent to Garden

Point. I lived in Garden Point until 1964. And from Garden Point, Tennant Creek, Hermannsburg. While in Garden Point I always say that some of it was the happiest time of my life; others it was the saddest time of my life. The happiest time was, 'Yippee! all these other kids there'. You know, you got to play with them every day. The saddest times were the abuse. Not only the physical abuse, the sexual abuse by the priests over there. And they were the saddest because if you were to tell anyone, well, the priests threatened that they would actually come and get you.

Everyone could see what they were doing but were told to keep quiet. And just every day you used to get hidings with the stock-whip. Doesn't matter what you did wrong, you'd get a hiding with the stock-whip. If you didn't want to go to church, well you got slapped about the head. We had to go to church three times a day. I was actually relieved to leave the Island.

Q. Did any girls get pregnant at Garden Point when you were there?

I remember one and they actually took her off the Island. And when I ask everyone, like even now when I ask people about her, they don't know what happened to her. All they remember is her being put on the helicopter and flown out and I've never heard her, about her name or anything about her anymore. They remember her but don't know what happened to her.

Q: Who was the Father?

The Priest. The same bastards who ...

Q: How do people know that?

Well, the reason they know is, Sister A, poor thing, who's dead – I know she was upset because that priest had that young girl living in his place. He used to come and get her out of the dormitory every night. He used to sneak in about half past twelve, one o'clock in the morning and take her. We'd get up in the morning and she'd be just coming in the door.

All the girls slept in one dormitory. All the boys slept in the other. And we couldn't lock the dormitory from the inside – it had a chain through and padlock outside, so there was only the nuns or priest could get in there. I know he used to come and get her because I was three beds up from her.

There was another priest, but he's dead. The rest of the mob that were on the Island are all dead. He's the only one that's kicking and he should have been the one that's bloody dead for what he did. He not only did it to girls, he did it to boys as well. There was six of 'em

involved. Nuns were assaulting the young fellas as well as the priest assaulting the young fellas and the girls.

There was four priests and two nuns involved. We were in their care. That fella's still walking around. He's now got charge of other kids. He's got charge of other kids in D.

In 1977 I had three children. In 1977 my oldest was three years old then. I had another one that was twelve months and another one that was two months old. All those kids were taken off me. The reason behind that was, well, I'd asked my girl-friend and so-called sister-in-law if she could look after my kids. She wouldn't look after my daughter because my daughter's black. So, she said she'd take the two boys and that was fine. And while I was in hospital for three months – that's the only reason I asked them to take 'em 'cause I was going to hospital because I had septicaemia.

I couldn't get my kids back when I came out of hospital. And I fought the welfare system for ten years and still couldn't get 'em. I gave up after ten years. Once I gave up I found out that while I was in hospital, my sister-in-law wanted to go overseas with my two boys 'cause her husband was being posted there for 12 months from foreign affairs. And I know she brought some papers in for me to sign while I was in hospital and she said they were just papers for their passports. Stupid me, being sick and what-have-you didn't ask questions – I signed 'em and found out too late they were adoption papers. I had 30 days to revoke any orders that I'd signed.

And with my daughter, well she came back in '88 but things just aren't working out there. She blames me for everything that went wrong. She's got this hate about her – doesn't want to know. The two boys know where I am but turned around and said to us, 'You're not our mother – we know who our real mother is'.

So every day of your bloody life you just get hurt all the time ...