



Australian  
Human Rights  
Commission

everyone, everywhere, everyday



Human rights  
education resources  
for teachers



Photo: Heide Smith

*Bringing them home*

# Bringing them home



**Human rights  
education resources  
for teachers**

- Subjects:** Society and Environment, English, Arts/Drama, Australian Studies, Aboriginal Studies, Civics and Citizenship, Geography, History
- Level:** Some activities suitable for Year 5 and up (most activities suitable for Year 9 and up)
- Time needed:** 1–10 lessons (can be used as a complete unit of study or separately as required – refer to individual activities)

## Introduction

In 1997, the Human Rights and Equal Opportunity Commission (now the Australian Human Rights Commission) released its report *Bringing them home: National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from Their Families*. Following this, the Commission received extensive requests from teachers for information about the report.

The resources on this site have been developed in response to this request. There are a variety of worksheets that can be used in either the classroom or in the community.

*Warning: These materials may contain images of deceased Aboriginal and Torres Strait Islander persons.*

## Aim

The teaching activities are intended to help students gain a comprehensive knowledge and understanding of the issues surrounding the forcible removal of Indigenous people in Australian history. The aim of each activity is detailed in the teaching and learning strategies.

Activities can be photocopied for class use and used individually or as an entire resource.

## Learning outcomes

Students will develop:

- an understanding of the history of the forcible separation of Aboriginal and Torres Strait Islander children from their families, and associated historical and social justice issues
- literacy skills, including critical literacy and comprehension skills, through reading and responding to a variety of texts, both orally and through writing
- research and fact-sourcing skills (particularly in the area of history and social studies), and an ability to think creatively and to communicate information to people
- decision making skills, within an individual, group and class context
- skills in describing, reflecting, interpreting, analysing, evaluating and higher order thinking
- an understanding of the value of personal, oral and local histories and their importance to social/community history
- an understanding of issues relating to Indigenous social justice
- an understanding of the value of community action and ways of responding to social justice/human rights issues at a local level.

## Activities/resources

*Activities that explain the issue of forced removal of children:*

1. **About the Inquiry**
  - Resource sheet
  - Information log activity sheet
2. **Personal stories**
  - Resource sheet
  - Comparison activity sheet
3. **Bringing them home DVD**
  - DVD activity sheet (note that DVD needs to be ordered separately from the Commission's Publications area or online at: [www.humanrights.gov.au/about/publications](http://www.humanrights.gov.au/about/publications))
  - DVD activity suggested answers
4. **The effects across generations**
  - Resource sheet
  - Three level guide
  - Three level guide suggested answers

*Activities that explore elements of Australian Indigenous history:*

5. **Track the History**
  - Timeline (note that a timeline poster can be ordered separately from the Commission's Publications area or online at: [www.humanrights.gov.au/education/bth/download/Track\\_History\\_A1poster.pdf](http://www.humanrights.gov.au/education/bth/download/Track_History_A1poster.pdf))
  - Timeline activity sheet
  - Timeline activity suggested answers
  - Research activity sheet
6. **Australia – a national overview**
  - Resource sheet
  - Note-taking activity sheet
7. **Using sources**
  - Quotes resource sheet
  - Statistics activity sheet
  - Media release resource sheet
  - Local history project activity sheet
8. **History and laws**
  - The History: New South Wales and the Australian Capital Territory
  - The History: Northern Territory
  - The History: Queensland
  - The History: South Australia
  - The History: Tasmania
  - The History: Victoria
  - The History: Western Australia

- The Laws: New South Wales
- The Laws: Australian Capital Territory
- The Laws: Northern Territory
- The Laws: Queensland
- The Laws: South Australia
- The Laws: Tasmania
- The Laws: Victoria
- The Laws: Western Australia
- State and territories laws and history key questions and answer sheets
- Comparison chart activity sheet

*Activities to help students develop civic responsibility:*

### **9. Responses to the Inquiry**

- *Responses from governments, churches and community* available at: [http://www.humanrights.gov.au/social\\_justice/bth\\_report/index.html](http://www.humanrights.gov.au/social_justice/bth_report/index.html)
- *Responses to the Inquiry* activity sheet
- *Australian Government responses to the Bringing them home Report Speech*

### **10. Global comparison**

- *Australia: A national overview* resource sheet
- *Canada* resource sheet
- *New Zealand* resource sheet
- *South Africa* resource sheet
- *Global comparison* activity sheet
- *Global comparison* suggested answers sheet

*English resources/activities*

### **11. Follow the Rabbit-Proof Fence by Doris Pilkington**

- Pre-reading activity sheet
- Common experiences activity sheet
- Exploring the stories activity sheet
- Key questions activity sheet

### **12. Is that you Ruthie? A play by Ruth Hegarty**

- Predictions, readings, discussions activity sheet
- Exploring the setting timeline activity sheet
- What did Ruthie experience? Comparison activity sheet
- Points of view – creative writing activity sheet

### **13. Stolen: A play by Jane Harrison**

- Making the connections activity sheet
- Character profiles activity sheet
- Scene analysis (Group 1) activity sheet
- Scene analysis (Group 2) activity sheet
- Scene analysis (Group 3) activity sheet

- Scene analysis (Group 4) activity sheet
- Scene analysis (Group 5) activity sheet
- Key questions activity sheet

*Extensive background material is available from the Commission website to support and complement the activities above.*

- *Bringing them home* the report of the *National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from Their Families*
- Glossary
- Community Guide
- *Track the history* poster
- *Us Taken-Away Kids* magazine
- Recent speeches
- *Bringing them home* DVD

## Teaching strategies

**Note:** It is highly recommended that teachers consider the sensitivities around teaching controversial issues prior to distributing materials. Discussion around topics such as forced removals continues to generate a high level of emotion in many communities.

These activities provide a general introduction to the laws, policies and practices in place in Australia that authorised Indigenous children to be separated from their families. The personal testimonies of the people who gave evidence to the Inquiry are placed in the broader social context.

### 1. About the Inquiry

#### Aim

To introduce students to issues raised in the *Bringing them home* report, and to identify any prior knowledge they have in relation to the separation of Aboriginal and Torres Strait Islander children from their families.

#### Resources

- *About the Inquiry* resource sheet
- Information log activity
- *Bringing them home* glossary
- *Bringing them home* report
- *Us Taken-Away Kids* magazine

1. Provide students with the *Information log* activity. Students begin by brainstorming and listing in the 'before' section, everything they know about the National Inquiry and the separation of Aboriginal and Torres Strait Islander children from their families. This step can be done individually, with partners, in small groups or the whole class can participate together. Students should be encouraged to share and debate this information as a group before moving to the next step.  
\*\* Teachers may wish to provide students with a copy of the glossary at this point.
2. Provide students with the *About the Inquiry* resource sheet. While they are reading, ask students to write brief notes on the new information they find in the 'key points' column of their information log. This can be done individually, with partners, or in small groups, depending on classroom dynamics and objectives.
3. Using their summaries, students are then asked to write three questions, either to quiz other readers or to use for later study.

The completed worksheet can be submitted as an assignment in itself or kept in student notebooks as a study aid.

### 2. Personal stories

#### Aim

To introduce students to the history of separation of Aboriginal and Torres Strait Islander children from their families through storytelling. One key theme here is the function of oral history and how personal histories can inform social histories.

The comparison activity uses storytelling to help students develop an understanding of the differences and similarities of the experiences of Indigenous children who were separated from their families.

## Resources

- *Us Taken-Away Kids* – experiences and artwork from the Indigenous Community available at [www.humanrights.gov.au/about/publications/index.html](http://www.humanrights.gov.au/about/publications/index.html)
- *Personal stories* resource sheet
- *Personal stories* comparison activity
- Also required: butchers paper or cardboard for group activity

## Part A: Comparisons Chart

1. Students read two (or more) of the personal stories from the resource sheet. The personal stories included in the activity are sourced from evidence submitted to the *National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from Their Families*. Further stories have been collated in the magazine *Us Taken-Away Kids* available online at [www.humanrights.gov.au/bth/taken/index.html](http://www.humanrights.gov.au/bth/taken/index.html) or by ordering the publications at: [www.humanrights.gov.au/about/publications/index.html](http://www.humanrights.gov.au/about/publications/index.html)
2. After reading the personal stories, students work through the *Personal stories* comparison activity.

## Part B: Group discussion

After completing the comparison chart, students form groups (of four/five) to discuss the stories they have read as part of the comparison exercise.

1. Provide students with a sheet of cardboard or butchers paper to work on. Ask them to divide this sheet into four sections with the following headings: *similarities*, *differences*, *common experiences*, and *long-term effects*.
2. After completing the four sections – *similarities*, *differences*, *common experiences*, and *long-term effects*, ask students to identify one key point from each of the four sections. These main points will be used to guide the classroom discussion to follow.

## Part C: Reflection

It is useful here to consolidate what the students have learned from the stories through classroom discussion. Questions are included on the activity sheet to help discussion.

## 3. *Bringing them home* DVD

### Aim

To introduce students to the history of separation of Aboriginal and Torres Strait Islander children from their families through storytelling.

The DVD is an excellent tool for linking the personal stories and experiences of Indigenous people with the broader Australian history. In particular, it's a good starting point for students to think about 'assimilation', a keyword in Australian history.

*Note that the DVD needs to be ordered separately from the Commission.*

The DVD contains:

- personal experiences from several Indigenous people who were removed as children
- images of missions, the reserves and institutions that Indigenous people were removed to after being removed from their families
- newsreels from the period



- explanations and comments by Mick Dodson (former Aboriginal Social Justice Commissioner) and Sir Ronald Wilson (former President of the Commission) who were Hearing Commissioners for the *National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from Their Families*
- songs from artists such as Archie Roach.

### Resources

- *Bringing them home* DVD activity sheet
- *Bringing them home* DVD activity suggested answers
- *Bringing them home* DVD – available by ordering through publications at: [www.humanrights.gov.au/publications/](http://www.humanrights.gov.au/publications/)

### Part A – Watching the DVD

Provide students with the *Bringing them home* DVD activity sheet to assist them to make notes while they watch the DVD. The DVD runs for 32 minutes. It is recommended that the DVD be stopped mid-way for discussion.

### Part B – Group discussion

Bring students together to form mixed ability groups for a discussion focused on the newsreels which appear in the *Bringing them home* DVD. Questions for discussion are included in the worksheet.

Assign each group with one of the questions in the worksheet and ask them to report back to the class on their conclusions.

### Part C – Personal perspectives

Students should consolidate their impressions from the group discussions (and DVD notes) before writing a personal statement of their own, expressing individual perspectives on the issues presented in the *Bringing them home* DVD.

## 4. The effects across generations

### Aim

This activity is designed to support students' understanding of the impact of the separation of Aboriginal and Torres Strait Islander children from their families on individuals, families and communities. The three level guide comprehension activity is used here to support students during their reading of *The effects across generations* resource sheet by providing a clear purpose and direction for their reading.

*The effects across generations* resource sheet is an exposition of some of the main points that came out of the *National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from Their Families*.

The three levels of statements – literal, interpretive and applied, guide the reader to focus on the relevant information and to develop an informed opinion on the issues explored in the text. The reader is encouraged to draw on their background knowledge of the issue and to apply the information from the text to personal contexts.

### Resources

- *The effects across generations* resource sheet
- *The effects across generations* three level guide
- *The effects across generations* suggested answers



### Part A – Using a three level guide

1. Students complete *The effects across generations* three level guide. Teachers should emphasise the importance of being able to justify the responses made to each of the statements.
2. When students have completed their responses, they should discuss their responses to the statements in groups. Encourage each group to come to an agreement based on references to the text – not a compromise, but a consensus.

### Part B – Class discussion

A structured class discussion completes the activity. This aims to develop an understanding of ‘community’ in Indigenous societies and how the policies of assimilation and protectionism affected ‘ways of being’ for individuals and their families. The discussion should also stress the importance of reconciliation as an ongoing process for all Australians, both Indigenous and non-Indigenous – not just for the people who were separated from their families.

## 5. Track the History

### Aim

To provide students with knowledge and understanding of the laws, policies and practices that form part of the history of the separation of Indigenous children from their families in Australia.

Students will develop an understanding of general concepts such as ‘assimilation’ and ‘self-determination’, and how these policies are manifested in terms of practices such as:

- the Aboriginal Protection Boards
- legal guardianship of Indigenous children under the Chief Protectors
- early separations of Indigenous children in the 1800s
- the role of missions and institutions, and the conditions in them
- the importance of Indigenous management of Indigenous child welfare.

The *Track the History* timeline is available in three formats: a poster version, online and text-only. The poster version can be ordered from the Commission at:

<http://www.humanrights.gov.au/publications/index.html#order>

### Resources

- *Track the History* timeline (online/ hard copy timeline)
- *Track the History* timeline activity
- *Track the History* timeline suggested answers
- *Track the History* research activity
- *Bringing them home* glossary
- *Bringing them home* bibliography

### Part A – identifying time, people and places

Using the *Track the History* timeline and timeline activity, students should work on the first section individually. In each of the tables, students are asked to identify information from the timeline and interpret it in their own words.

### Part B – group discussion: time, people and places

After analysing the timeline individually, students work in mixed ability groups, to discuss how the concepts of time, people and place help us to understand history. Refer to worksheet discussion points.

### Part C – personal perspective

When the discussion is complete students reflect on the opinions they have heard from their classmates and write a paragraph that identifies the points of discussion they viewed as most important.

The information extracted from the *Track the History* timeline in this activity can be used as a starting point for the following research activity.

### Part D – research

The *Track the History* research activity provides a step-by-step guide on undertaking a research project. In most cases, the events in the timeline include a link to another site for further information. This is the best starting point. Where Internet access is an issue, students can rely on reference books as a starting point.

During the research process, students should have access to the *Bringing them home* glossary, and the *Bringing them home* bibliography as additional resources.

**Note: Teachers may wish to exclude certain areas of research depending on time and resources available and other issues of discretion.**

During the activity students are asked to:

- identify an area of interest for research and define the topic
- undertake research using a range of resources including websites, books, approaching appropriate organisations and discussing with others
- make useful notes on the information they have discovered during their research
- organise and summarise information discovered during research into a useful and logical structure
- write a description of what happened over a particular period of time, who was involved, why it happened and whether there are any differences of opinion
- explain how they think it is connected to the separation of Aboriginal and Torres Strait Islander children from their families.

In the final stage of this activity, students are asked to present their research. The activity provides scope for the research to be presented in a variety of ways: written, visual display, oral presentation or news reportage. Encourage students to consider different ways of conveying information and ‘telling’.

Teachers should provide some guidance to students when choosing how they will present their research. Dependent upon time and resources, encourage students to respond to the events identified and issues raised in the *Track the History* timeline creatively. Activities could include:

- writing poetry or short stories about events or issue represented in the timeline
- representing a particular event or issue visual in a painting, drawing, mural, print, or photograph
- writing and performing a play or song about a particular event or issue represented in the timeline.

## 6. Australia – a national overview

### Aim

This is a reading activity aimed at assisting students in gaining a broader understanding of the background history and social context of the separation of Aboriginal and Torres Strait Islander children from their families.

### Resources

- *Australia: a national overview* resource sheet
- *Australia: a national overview* note-taking activity

### Part A: Note-taking activity

Students read the *Australia: a national overview* resource sheet. During their reading, they use the note-taking activity, identifying three dot points under each of the headings. This activity will assist students to identify important points in the history of the separation of Aboriginal and Torres Strait Islander children from their families.

### Part B: Paired review

After reading the resource sheet, students articulate and process their understanding of what they have read and think critically about the validity of the text using the paired review strategy.

#### Paired reviews:

- enhance clarifying and paraphrasing skills
- develop listening skills
- give students time to process what they are learning
- help students remember new information
- encourage reflection on own learning
- encourage students to verbalise their understandings about text
- allow students to respond to texts through feelings and idea.

The Paired Reading Strategy is sourced from: Buehl, D. (2001). *Classroom Strategies for Interactive Learning*. Delaware, USA: International Reading Association.

### Procedure for paired reviews

This strategy provides students with practice in summarising what has been read and learned. Students work with a partner, taking turns in being the 'talker' and the 'listener', reviewing a text that has been read.

1. Pair students as partner A and partner B.
2. Partner A begins by recounting something interesting from the text and talks for 60 seconds, while partner B listens.
3. After 60 seconds tell them to 'switch' and change roles. Partner B cannot repeat anything said by A.
4. When partner B has spoken for 60 seconds, partners switch again. Now partner A has 40 seconds to continue the review. Stipulate that nothing stated already can be repeated.
5. After 40 seconds announce 'switch' where partner B gets 40 seconds.
6. Follow the same procedure allowing each partner 20 seconds to recap.

This strategy is a quick way for students to summarise their understandings about a text. The no-repeat rule forces partners to really listen and think carefully about what they can say. Time periods can be adjusted to fit the needs of the students.

When the activity is completed any questions can be addressed in a class discussion. Teachers should ensure that students have developed an understanding of the general concepts, including assimilation and self-determination, and how these policies were manifested in terms of practices such as:

- the Aboriginal Protection Boards
- legal guardianship of Indigenous children under the Chief Protectors
- early removal of Indigenous children in the 1800s

- the role of missions and institutions, and the conditions in them
- the importance of Indigenous management of Indigenous child welfare.

## 7. Using sources

### Aim

To help students develop their ability to critically review primary sources of information related to the inquiry.

### Resources

- Quotes activity sheet
- Statistics activity sheet
- Media release activity sheet
- Local history project
- *Additional resources required: access to the internet, school or local library and other resource materials.*

### Part A

Each of the quotes, statistics and media releases activities has questions at the bottom of the page. These can be used as homework, as additional activities for fast finishing students, or as stand-alone class activities.

### Part B

The local history project gives students a chance to do some research and investigate the Indigenous history of their area. The activity places analysis of the effects of separation of Indigenous children from their families in a local context.

**Teachers should investigate the resources available in the local area before assigning this activity to ensure that students are able to complete the research in an effective and culturally sensitive manner.**

#### 1. Getting started

Students are required to select an area of interest and a topic for their research. At this stage, teachers should assist students in clarifying basic information about the Indigenous communities in the local area and fine-tuning their research topic or question.

#### 2. Beginning the research

At this stage, students start to identify resources and information that will be useful for their research. A selection of contact details and references has been included in the Local History Project worksheet as starting points. Teachers should assist students to identify the best approach, taking into consideration the types of resources available in the local area.

#### 3. Organising information

At this stage, students use the table included on the worksheet to organise the information they have discovered. The table contains a series of questions that will help students to categorise their notes and begin to plan the presentation of their research.

#### 4. Presenting your research

At this final stage, students present their research to the class. Teachers may wish to set particular parameters for these presentations, e.g. each student must present an oral presentation to the class or present a written report on their discoveries.

## 8. Laws and policies

### Aim

This activity requires students to take a closer look at the history of the separation of Aboriginal and Torres Strait Islander children from their families – specific to each state or territory. Examining a different scale of history encourages students to learn a range of details about differences within Indigenous history. During this activity, students should access both the *History* and *Laws* resource sheets to gain a deeper understanding of the policies and practices that lead to separations.

### Resources

- The History: all states and territories
- The Laws: all states and territories
- State and territories laws and history key questions and answer sheets
- Comparison chart activity sheet

#### 1. Reading the histories

Students are asked to read both the *History* and *Laws* resource sheets specific to their own state or territory. Dependent upon resources, students may use the *Bringing them home* website to access these resources. Alternatively, they can be distributed as hand-outs.

After reading the *History* and *Laws* resource sheets for the relevant state or territory, students work through a set of key questions. At this stage, students should work individually. The key questions have been designed to assist students to identify information from the text and to consolidate materials from two different sources.

After completing the key questions for their own state, students should choose another state's laws and history to explore. Teachers may choose to form seven groups, assigning one additional state history to each group, or alternatively allow students to choose which other state or territory they would like to learn about. As with their own state, students work through a set of key questions to consolidate the information they have discovered in the *History* and *Laws* resource sheets.

The information gathered here will be used in the comparison activity to follow.

#### 2. Comparing the histories

A comparison between the students' state/territory and another state/territory forms the final part of this activity. Using the *Bringing them home* – state/territories comparison activity sheet, students should work within their groups to identify five similarities and differences between the states/territories they have analysed.

After completing the sheet, teachers should engage students in a class discussion to consolidate this new information. The following focus questions may be useful to start the discussion:

- What differences did you notice between what happened in both states/territories?
- How would you explain how these differences came about? What factors do you think gave rise to these differences?
- What are the common threads?
- What new information have you learned about the removal of Indigenous children from their families?

## 9. Responses to the Inquiry

### Aim

This activity assists students to focus on how governments, churches and communities have responded to the recommendations of the *Bringing them home* report and includes a creative poster activity to help students work towards reconciliation.

## Resources

- *Responses from governments, churches and community* available at: [www.humanrights.gov.au/social\\_justice/bth\\_report/index.html](http://www.humanrights.gov.au/social_justice/bth_report/index.html)
- *Responses to the Inquiry* activity sheet
- *Australian Government Responses to the Bringing them home Report* Speech
- Additional resources: art supplies and/or access to graphic design software/computers for poster design activity sheet

### 1. Group discussion

Students will need to do some reading or research before they list/discuss the events/actions people have undertaken in response to the *Bringing them home* report. A list is included on the activity sheet; however where appropriate teachers may wish to focus on some of events/actions taken at a local level. Local Indigenous organisations may be a useful source of information here. The speech '*Australian Government Responses to the Bringing them home Report*' provided is helpful pre-reading.

Students discuss the community responses and add three other things people in the community could do to help the children who were forcibly removed from their families and communities.

### 2. Class discussion

Discuss some of the things that governments/churches/police have done in response to the report's recommendations. A list is included on the activity sheet.

During the discussion encourage students to:

- identify where the responses came from
- identify who was involved in the programs that have been implemented
- reflect on how effective the responses have been.

Ask students to add six other things that governments/churches/police could do to help achieve reconciliation between Indigenous and non-Indigenous Australians.

### 3. Creating posters

Students work together to identify a message and audience for raising awareness and create a poster/advertisement promoting their campaign.

Students could imagine that they are part of a group that wants to take some action to raise community awareness about some of the recommendations that has not been responded to, for example; paying compensation to those who were forcibly removed from their families.

## 10. Global comparison

### Aim

This activity requires students to be able to make comparisons between the experience of Indigenous peoples in Australia and that of other countries. This comparison will help students understand how the history of exploration and colonisation has affected countries, communities and peoples around the world.

### Resources

- *Australia: A national overview* resource sheet
- *Canada* resource sheet
- *New Zealand* resource sheet
- *South Africa* resource sheet
- *Global comparison* activity sheet
- *Global comparison* activity suggested answers sheet

## 1. Global comparison activity

Recommended pre-reading: *Australia – A national overview* resource.

Students select a country (Canada, South Africa or New Zealand) to compare with Australia. Students read the resource sheet, making notes on the comparison chart as they go. It is suggested that students complete the initial reading individually.

### Comparison Charts

Using a comparison chart, information about a number of categories or topics is organised so that comparisons can be made.

The comparison chart strategy assists students in drawing comparisons between different texts. It also assists them to extract information and to make generalisations.

## 2. Differences and similarities

After completing the comparison chart, students could work in pairs or small groups to compare the differences and similarities they have identified. This could be followed by a class discussion to compare the discoveries students have made.

The following focus questions have been included below to guide the discussion:

- What differences did you notice between what happened in different countries?
- Can you explain how these differences came about? What factors contributed to these differences?
- What are the similarities?
- What new information have you learned about the removal of Indigenous children from their families?
- Discuss some reasons for European nations to set up colonies throughout the world. What were the main reasons for Britain to set up a penal colony in Australia?
- Were the reasons similar or different to those in New Zealand, South Africa or Canada?

## 3. Writing an exposition activity

The exposition activity can be used as a follow up to the comparisons in the chart. Students write an exposition on issues relating to the treatment of Indigenous children in the other countries.

The purpose of an exposition is to develop ideas and supporting details in order to present a logical argument from a particular point of view. This activity will assist students in consolidating the information they have explored in the global perspective resource sheets, as well as developing skills in logical reasoning.

A table to assist students to extract arguments for and against their thesis has been included in the worksheet. Teachers may need to assist students with research and writing of their exposition.

Teachers may wish to expand this lesson by exploring exposition and report writing in more detail.

The exposition writing stage could also be developed into a classroom debate, dependent upon resources and lesson objectives.



## 1.

# About the Inquiry

## Resource sheet

### How did it all begin?

In 1995 the federal Attorney-General established the *National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from Their Families* (the Inquiry).

The Inquiry was established in response to increasing concerns among Indigenous agencies and communities that the Australian practice of separating Indigenous children from their families had never been formally examined. This meant that the long term effects of those separation policies and practices on Indigenous children, their families and communities had never been investigated or even acknowledged.

The Inquiry was given a limited budget and it relied on voluntary witnesses to come forward and tell their stories. It was not set up as a Royal Commission which would have had powers to compel witnesses to appear before it.

### Who did the Inquiry talk to?

The Inquiry took evidence in public and private sittings from many different people including:

- Indigenous people
- government and church representatives
- former mission staff
- foster and adoptive parents
- doctors and health professionals
- academics
- police.

The President of the then Human Rights and Equal Opportunity Commission (now Australian Human Rights Commission), Sir Ronald Wilson and the then Aboriginal and Torres Strait Islander Social Justice Commissioner, Professor Mick Dodson, conducted most of the hearings. They were assisted by 13 Co-Commissioners, by members of an Indigenous Advisory Council and a range of experts in international law, Indigenous rights, health and juvenile justice.

A total of 777 people and organisations provided evidence or a submission; 535 Indigenous people gave evidence or submissions about their experiences of separation from their families and communities.

### Where did the Inquiry travel to?

The Inquiry visited every state and territory capital and most regions of Australia, from Cape Barren in the south to the Torres Strait and the Kimberley in the north. Limited resources meant the Inquiry could not travel to every centre.

### What was the scope of the Inquiry?

The Inquiry had four 'terms of reference'. This means that the Government asked the Commission to look specifically at four areas of key concern and to report back to the government on their findings.

The basic terms of reference for the Inquiry were to find out:

- a) *What were the laws, policies and practices that resulted in the removal of children in the past, and what effect did they have?*
- b) *Were the (then) current laws and practices (related to services available) adequate enough to help people whom had been affected by removal in the past?*

c) What factors were important to consider when thinking about compensation for people who had been removed?

d) Whether the (then) current laws and policies around removal needed to be changed.

The Inquiry was careful not to be seen to be 'raking over the past' for its own sake. It was careful to evaluate past actions in light of the legal values that prevailed at the time rather than through the lens of current views. The Inquiry submitted its report to the federal Parliament in April 1997.

## Overview of the findings of the national Inquiry

The Inquiry reported that the separation of Indigenous people from their families as children and the abuse some experienced at the hands of the authorities or their delegates have permanently scarred their lives. The harm continues in later generations, affecting their children and grandchildren.

**It never goes away. Just 'cause we're not walking around on crutches or with bandages or plasters on our legs and arms doesn't mean we're not hurting ... I suspect I'll carry these sorts of wounds 'til the day I die. I'd just like it not to be so intense, that's all.**

Confidential evidence 580, Queensland.

The report concluded, 'It was difficult to capture the complexity of effects for each person. For the majority of witnesses to the Inquiry, the effects have been multiple, continuing and profoundly disabling.' A summary of the findings of the report relating to how the children who were separated from their families fared showed that:

- institutional conditions were often very harsh
- education was often very basic
- excessive physical punishments were common
- the children were at risk of sexual abuse
- some found happiness in their new home or institution
- people who were separated from their families are not better off\*
- loss of heritage
- the effects on those left behind
- the effects of separation still resonate today.

\* A 1994 Australian Bureau of Statistics (ABS) survey found that Indigenous people who were separated from their families in childhood are twice as likely to assess their health status as poor or only fair (29%) compared with people who were not removed (15.4%). The ABS survey found that people who have been separated from their families are less educated, less likely to be employed and receiving significantly less incomes than people who were raised in their communities. However, they are twice as likely to have been arrested more than once in the past five years, with one in five separated people having this experience.

## Recommendations of the report

The report contained 54 recommendations which can be grouped under the following headings;

- Acknowledgement and apology – from parliaments, police forces and the churches who were involved.
- Guarantees against repetition – by the provision of education, training, and instituting self-determination principles.
- Restitution – by way of counselling services, assistance in maintaining records, language, culture and history centres.

- Rehabilitation – eg. mental health programs, parenting services.
- Monetary compensation – where a National Compensation Fund would operate.
- Implementation – a monitoring and audit process of the recommendations of the report.

To view the full extent of the report's recommendations visit: <http://www.humanrights.gov.au/bth>

Further information on government and non government responses, actions and events since the report was released can be found at <http://www.humanrights.gov.au/education/bth/timeline/index.html>

**That is not to say that individual Australians who had no part in what was done in the past should feel or acknowledge personal guilt. It is simply to assert our identity as a nation and the basic fact that national shame, as well as national pride, can and should exist in relation to past acts and omissions, at least when done in the name of the community or with the authority of the government.**

Former Australian Governor-General, Sir William Deane, August 1996

## 1.

# About the Inquiry

## Information log activity sheet

In 1995, the then Human Rights and Equal Opportunity Commission (now the Australian Human Rights Commission) was requested to conduct a National Inquiry into the separation of Aboriginal and Torres Strait Islander children from their families. This Inquiry highlighted a number of issues significant to the study of Australian history.

### Before

List everything you know about the removal of Aboriginal and Torres Strait Islander children from their families throughout Australia.

Associated words/ films/ books/ images/ people:

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Use the table below as a study guide for your research on this topic. Note down all the information you find out through your studies. Start by reading the 'About the Inquiry' resource sheet.

Resource (name/ publishing details)	Date (of reading/ viewing)	Key points (that I learned)	Questions (needing more research)
<i>About the Inquiry</i>			

## 2.

## Personal stories

## Resource sheet

The following stories were received as submissions to the *National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from Their Families*. For additional stories see: [www.humanrights.gov.au/social\\_justice/bth\\_report/about/personal\\_stories.html](http://www.humanrights.gov.au/social_justice/bth_report/about/personal_stories.html)

## Paul

For 18 years the State of Victoria referred to me as State Ward No 54321.

I was born in May 1964. My Mother and I lived together within an inner suburb of Melbourne. At the age of five and a half months, both my Mother and I became ill. My Mother took me to the Royal Children's Hospital, where I was admitted.

Upon my recovery, the Social Welfare Department of the Royal Children's Hospital persuaded my Mother to board me into St Gabriel's Babies' Home in Balwyn ... just until Mum regained her health. If only Mum could've known the secret, deceitful agenda of the State welfare system that was about to be put into motion – 18 years of forced separation between a loving mother and her son.

Early in 1965, I was made a ward of the State. The reason given by the State was that, 'Mother is unable to provide adequate care for her son'.

In February 1967, the County Court of Victoria dispensed with my Mother's consent to adoption. This decision, made under section 67(d) of the Child Welfare Act 1958, was purportedly based on an 'inability to locate mother'. Only paltry attempts had been made to locate her. For example, no attempt was made to find her address through the Aboriginal Welfare Board.

I was immediately transferred to Blackburn South Cottages to be assessed for 'suitable adoptive placement'. When my Mother came for one of her visits, she found an empty cot. With the stroke of a pen, my Mother's Heart and Spirit had been shattered. Later, she was to describe this to me as one of the 'darkest days of her life'.

Repeated requests about my whereabouts were rejected. All her cries for help fell on deaf ears by a Government who had stolen her son, and who had decided 'they' knew what was best for this so-called part-Aboriginal boy.

In October 1967 I was placed with a family for adoption. This placement was a dismal failure, lasting only 7 months. This family rejected me, and requested my removal, claiming in their words that I was unresponsive, dull, and that my so-called deficiencies were unacceptable. In the Medical Officer's report on my file there is a comment that Mrs A 'compared him unfavourably with her friends' children and finds his deficiencies an embarrassment, eg at coffee parties'.

Upon removal, I was placed at the Gables Orphanage in Kew, where I was institutionalised for a further two years. Within this two years, I can clearly remember being withdrawn and frightened, and remember not talking to anyone for days on end.

I clearly remember being put in line-ups every fortnight, where prospective foster parents would view all the children. I was always left behind. I remember people coming to the Gables, and taking me to their homes on weekends, but I would always be brought back. Apparently I wasn't quite the child they were looking for.

My dark complexion was a problem.

The Gables knew my dark complexion was a problem, constantly trying to reassure prospective foster parents that I could be taken as Southern European in origin.

In January 1970, I was again placed with a foster family, where I remained until I was 17. This family had four natural sons of their own. I was the only fostered child.

During this placement, I was acutely aware of my colour, and I knew I was different from the other members of their family. At no stage was I ever told of my Aboriginality, or my natural mother or father. When I'd say to my foster family, 'why am I a different colour?', they would laugh at me, and would tell me to drink plenty of milk, 'and then you will look more like us'. The other sons would call me names such as 'their little Abo', and tease me. At the time, I didn't know what this meant, but it did really hurt, and I'd run into the bedroom crying. They would threaten to hurt me if I told anyone they said these things.

My foster family made me attend the same primary and secondary school that their other children had all previously attended. Because of this, I was ridiculed and made fun of, by students and teachers. Everyone knew that I was different from the other family members, and that I couldn't be their real brother, even though I'd been given the same surname as them. Often I would run out of class crying, and would hide in the school grounds.

The foster family would punish me severely for the slightest thing they regarded as unacceptable or unchristian-like behaviour, even if I didn't eat my dinner or tea. Sometimes I would be locked in my room for hours. Countless times the foster father would rain blows upon me with his favourite leather strap. He would continue until I wept uncontrollably, pleading for him to stop.

My Mother never gave up trying to locate me.

Throughout all these years – from 5 and a half months old to 18 years of age, my Mother never gave up trying to locate me.

She wrote many letters to the State Welfare Authorities, pleading with them to give her son back. Birthday and Christmas cards were sent care of the Welfare Department. All these letters were shelved. The State Welfare Department treated my Mother like dirt, and with utter contempt, as if she never existed. The Department rejected and scoffed at all my Mother's cries and pleas for help. They inflicted a terrible pain of Separation, Anguish and Grief upon a mother who only ever wanted her son back.

In May 1982, I was requested to attend at the Sunshine Welfare Offices, where they formerly discharged me from State wardship. It took the Senior Welfare Officer a mere twenty minutes to come clean, and tell me everything that my heart had always wanted to know. He conveyed to me in a matter-of-fact way that I was of 'Aboriginal descent', that I had a Natural mother, father, three brothers and a sister, who were alive.

He explained that his Department's position was only to protect me and, 'that is why you were not told these things before'. He placed in front of me 368 pages of my file, together with letters, photos and birthday cards. He informed me that my surname would change back to my Mother's maiden name of Angus.

The welfare officer scribbled on a piece of paper my Mother's current address in case, in his words, I'd 'ever want to meet her'. I cried tears of Relief, Guilt and Anger. The official conclusion, on the very last page of my file, reads:

'Paul is a very intelligent, likeable boy, who has made remarkable progress, given the unfortunate treatment of his Mother by the department during his childhood.'

**Confidential submission 133, Victoria. When Paul located his mother at the age of 18 she was working in a hostel for Aboriginal children with 20 children under her care. She died six years later at the age of 45.**

Paul's story appears on page 68 of *Bringing them home*.

## 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 [aged 12].

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.

**Confidential evidence 384, Tasmania. 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.**

Greg's story appears on page 99 of *Bringing them home*.

## 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, 'I'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.

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 ...

### **Confidential evidence 557, Northern Territory.**

Evie's story appears on page 147 of *Bringing them home*. Last updated 2 December 2001.

## **Karen**

I am a part Aboriginal woman, who was adopted out at birth. I was adopted by a white Australian family and came to live in New Zealand at the age of 6 months. I grew up not knowing about my natural Mother and Father. The only information my adoptive parents had about my birth, was the surname of my birth Mother.

I guess I had quite a good relationship with my adoptive Mum, Dad and sisters. Though my adopted Mother said I kept to myself a lot, while I was growing up. As I got older I noticed my skin colouring was different to that of my family. My Mother told me I was adopted from Australia and part Aboriginal. I felt quite lonely especially as I approached my teens. I got teased often about being Aboriginal and became very withdrawn and mixed up, I really did not know where I belonged.

As a result of this I started having psychiatric problems. I seem to cope and muddle along.

I eventually got married to a New Zealander, we have two boys, who are now teenagers. One of our boys is dark like myself, and was interested in his heritage. I was unable to tell him anything, as I didn't know about it myself.

My husband, boys and myself had the opportunity to go to Melbourne about 7 years ago on a working holiday for 10 weeks. While in Melbourne I went to the Aboriginal Health Centre and spoke to a social worker, as I had a copy of my birth certificate with my birth Mother's name on it. The social worker recognized my Mother's surname 'Graham', and got in touch with my aunty, who gave me my Mother's phone number.

I got in touch with my birth Mother and made arrangements to meet her. I have a half brother and sister. My birth Mother and Father never married, though my Father knew my Mother was pregnant with me. My Mother did not know where my Father was, as they parted before I was born. My sister decided to call a local Melbourne paper and put our story in the paper on how I had found them after 29 years.

My Father who was in Melbourne at the time, saw the article and a photo of my Mother and myself in the paper. He recognized my Mother and got in touch with her. My Mother and I had been corresponding, after we returned to New Zealand. For her own reasons, she would not give my Father my address, so my Father went through the social service agency and got in touch with me two and a half years ago. I have met my birth Father, as I had a family wedding in Melbourne shortly after he made contact with me, so I made arrangements to meet him.

We kept in contact with one another, but I feel we will never be able to make up for lost time, as my birth parents live in Australia and myself in New Zealand.

I still feel confused about where I belong, it has been very emotional and the result of this caused me to have a complete nervous breakdown. I am on medication daily and am having to see a counsellor to help me come to terms and accept the situation, where I am at right now and to sort out some confused feelings. My adoptive family really don't want to know too much about my birth family, which also makes it hard.

I feel that I should be entitled to some financial compensation for travel purposes, to enable us to do this.

**Confidential submission 823, New Zealand.**

Karen's story appears on page 244 of *Bringing them home*.

## 2.

## Personal stories

## Comparison activity sheet

## Part A – Comparisons

Read at least two of the personal stories of Indigenous people who were separated from their families as children. Use the table below to take notes about the details of the stories you have read.

What happened	Story one	Story two
Who separated the children from their family and community?		
How were the children separated from their families?		
What experiences did the children who were separated from their families have?		
How long were the children away from their family?		
Did the children express any strong emotions? If so, when and why?		
Did the children have brothers and sisters who were also separated from their families?		
What were some of the positive experiences the children had?		
What happened to other family members (parents, siblings or children)?		

## Part B – Group discussion

Working in pairs or a group, compare and contrast the stories you have read in reference to the notes made above.

I On a sheet of cardboard or butchers paper, divide the page into four sections with the following headings: **similarities**, **differences**, **common experiences**, and **long-term effects**. Use the questions below to help you work through each of headings.

1. Identify and discuss the main similarities and differences between the stories. Here are some focus questions to guide your discussion:

- What do the stories have in common?
- What are the recurring experiences expressed in each story?
- How are the stories different in terms of:
  - the way children were separated from their families
  - the processes the children went through
  - the experiences of the children who were separated from their families
  - the extent of contact with the childrens' communities and families.

2. Identify and discuss the common experiences that come out of the stories you have read.

3. Identify and discuss how the removals had long-term effects on those people who were separated from their families.

II Write the key points of your discussion in the appropriate section on your butchers paper or cardboard.

III Write one main point about the *similarities*, *differences*, *common experiences*, and *long-term effects* from each of the stories you have read below.

Similarities .....

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Differences .....

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Common experiences .....

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Long-term effects .....

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### Part C – Reflection

Using the information above, write a short paragraph answer to the following questions:

Do you think these personal stories/ histories are a good way of learning about the issue? Why/why not?

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How do people’s personal experiences and stories help our understanding of social issues?  
What can be learned from them?

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## 3.

# Bringing them home DVD

## DVD activity sheet

### Part A

Before watching the *Bringing them home* DVD, read the questions below. While you are watching the DVD make some notes in the table provided.

Discussion questions	Notes
<p>After the opening section, the DVD switches between different people's accounts of separation from their families.</p> <p>Choose one of these stories. Name the character you have chosen.</p> <p>.....</p> <p>What stood out about the story you have chosen? (List two things that happened to the person.)</p>	
<p>What experiences do the people in the DVD share with those from the stories you have read?</p>	
<p>The DVD shows some black and white newsreels from the main period when children were removed.</p> <p>What information do they give?</p> <p>Who would have been watching these newsreels when they were first shown?</p>	
<p>Many viewpoints are presented in the DVD. These include Professor Mick Dodson, Sir Ronald Wilson, viewpoints of various people in the newsreels and the personal stories at the beginning of the DVD.</p> <p>Which viewpoints are most believable?</p> <p>Why?</p>	



## Part B

Working in groups, read out the following newsreel transcripts from the DVD while remembering the images that were presented with the voiceovers.

<p><b>Newsreel 1</b></p> <p>‘Children of the Melville Island Mission Station arrive in Melbourne where they await transfer to a country home. A little bewildered by it all at first, their shyness is soon conquered and they’re just happy kids on a corroboree’</p>	<p><b>Newsreel 2</b></p> <p>‘Mother very soon realised that she was indeed amongst friends – people who really cared for her and for her baby. The Aborigine has become a vanishing race, except on mission stations.’</p>
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### Images, texts and contexts

1. Select some keywords from each newsreel. Discuss the attitudes, assumptions and general beliefs that surround these terms.

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2. What images accompanied each of the newsreel excerpts? What is the general tone of the newsreels? Describe how this tone is established.

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3. Whose voices are represented by the newsreel texts? Who is speaking? Who isn't speaking?

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**Ways of telling**

1. The second newsreel says that Indigenous women and their babies were ‘amongst friends’ on the missions. From your reading of the stories, what were conditions like on the missions for most Indigenous children?

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2. How do the stories told by the newsreel compare and contrast with the stories told by Julie Lavelle and Peter Costello (interviewees)?

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## 3.

# Bringing them home DVD activity

## Suggested answers

### Part A

Students may respond in a variety of ways to these issues. There is no set response, though a guide to suggested responses is provided below.

Discussion questions	Notes
<p>After the opening section, the DVD switches between different people's accounts of separation from their families.</p> <p>Choose one of these stories. Name the character you have chosen.</p> <p>.....</p> <p>What stood out about the story you have chosen? (List two things that happened to the person.)</p>	<ul style="list-style-type: none"> <li>• emotions (strong/lacking)</li> <li>• knowledge (or lack of) about Aboriginal society</li> <li>• memory (or lack of) about identity/ culture/ family</li> </ul>
<p>What experiences do the people in the DVD share with those from the stories you have read?</p>	<ul style="list-style-type: none"> <li>• abuse</li> <li>• lack of culture</li> <li>• effect of separation</li> <li>• lack of childhood</li> </ul>
<p>The DVD shows some black and white newsreels from the main period when children were removed.</p> <p>What information do they give?</p> <p>Who would have been watching these newsreels when they were first shown?</p>	<ul style="list-style-type: none"> <li>• children identified as happy</li> <li>• positive effects of government policy</li> <li>• possibly shown as news reels</li> <li>• international viewers</li> <li>• future foster families</li> </ul>
<p>Many viewpoints are presented in the DVD. These include Professor Mick Dodson, Sir Ronald Wilson, viewpoints of various people in the newsreels and the personal stories at the beginning of the DVD.</p> <p>Which viewpoints are most believable?</p> <p>Why?</p>	<ul style="list-style-type: none"> <li>• students could analyse who the people speaking are, what they are saying, and the audience they are speaking to</li> </ul>

**Part B is for the purposes of discussion. There are no suggested answers for this section.**

## 4.

# The effects across generations

## Resource sheet

**Note:** This overview is based primarily on the *Bringing them home* report as well as other sources and provides a background to the policies and practices that authorised the removal of Aboriginal and Torres Strait Islander children from their families. It is not intended to be used as a comprehensive historical document.

When the then Human Rights and Equal Opportunity Commission (now the Australian Human Rights Commission) heard testimonies from Indigenous people who were removed as children, it heard of their immediate experiences when they were younger. It also heard of the effects that these experiences had on their lives as they grew into adults.

The effects of this history on peoples' lives and Indigenous communities are many and varied. The Inquiry found there were a number of common effects, drawn from the testimony of witnesses and research:

- separation from primary carer
- mental and physical health problems
- delinquency and behavioural problems
- undermined parenting skills
- loss of cultural heritage
- broken families and communities
- racism.

It is important to keep in mind that the removal policies effected generations of Indigenous people. Even Indigenous children who were not removed have been affected in some way, either as a community member or child of a parent who was removed.

### Separation from primary carer

The quality of a person's future social relationships are significantly affected by the relationships they formed as a child. As early as 1951, research showed that separation from a primary carer, especially when followed by placement in an institution, was connected to a variety of psychiatric disorders in adulthood.

Separation from a primary carer also means cutting off a child's main source of attachment and love. Psychological evidence shows that attachment of this kind is important to a child's development, helping them to:

- achieve full intellectual potential
- develop a cultural identity
- sort out perceptions
- appreciate and value the importance of family
- think logically
- develop a conscience
- become self-reliant
- cope with stress and frustration
- handle fear and worry
- develop future relationships.

Evidence submitted to the Inquiry revealed that many Indigenous children were removed when they were less than 10 years old. Between one-half and two-thirds of those who were forcibly removed were taken in infancy (before the age of five years).

The vast majority of these were removed to institutions. These homes, missions or stations were usually run by a manager and small set of staff. Often faced with overcrowding, the staff could do little to provide the kind of care necessary for a child's development. Quite simply, the role of primary carer was usually never replaced after they were removed.

Some children were also moved between institutions, or from institutions to foster homes and then back to institutions. This lack of stable accommodation also prevented new attachments and relationships being formed.

Overall, the removals did not only result in the child's separation from their primary carer. Children were removed from these bonds to poor quality child care and a set of ever-changing 'carers' and institutions.

These experiences were carried by removed children into their adulthood. Mental health problems, continued trauma and difficulty establishing close relationships are just some long-term effects of removal.

**There's still a lot of unresolved issues within me. One of the biggest ones is that I cannot really love anyone no more. I'm sick of being hurt. Every time I used to get close to anyone they were just taken away from me. The other fact is, if I did meet someone, I don't want to have children, cos I'm frightened the welfare system would come back and take my children.**

(Confidential evidence 528, New South Wales)

## Mental and physical health

Separation from parents at a young age had quite immediate effects on the mental and physical well-being of those Indigenous children who were removed. As these children grew older, these effects proved more long term.

Evidence to the Inquiry clearly established that the childhood experience of forcible removal and institutionalisation made those people much more likely to suffer emotional distress than others in the Indigenous community. Mental and physical illness was an effect of the whole experience, of which the separation from parents was just the first step.

Generally speaking, those removed continued to experience self-destructive behaviour, an intensity of addictions, heart disease and diabetes, and psychological problems. These effects were carried into their adult lives.

Many health organisations reported to the Inquiry, commenting on the traumatic effects of the removals and institutionalisation. The Sydney Aboriginal Mental Health Unit reported:

**This tragic experience, across several generations, has resulted in incalculable trauma, depression and major mental health problems for Aboriginals.**

This was heightened in cases where physical and sexual abuse occurred.

The duration of separation and constant relocations caused an 'emotional numbing'. Where abuse occurs regularly over a significant period of time, children learn to blunt their emotions and stop outwardly responding to abuse. Often that develops into a pattern in adult life that is difficult to overcome and affects relationships with others.

## Drug use

**I still to this day go through stages of depression. Not that I've ever taken anything for it – except alcohol. I didn't drink for a long time. But when I drink a lot it comes back to me. I end up kind of cracking up.**

(Confidential evidence 529, New South Wales)

## Delinquency and behavioural problems

For young Indigenous people, the common response to being in an institution was delinquency and crime. This was particularly the case for young males.

Much of the evidence to the Inquiry suggested strong links between the overrepresentation of Indigenous people in the crime statistics and the removal of Indigenous children from their families.

In the 1970s, Dr Elizabeth Sommerland surveyed Aboriginal Legal Services across Australia. The survey revealed that a large majority of clients seeking legal aid for criminal offences have also had a history of being in institutions or non-Indigenous foster care.

Other surveys have produced similar results, such as a survey held in 1982 by the Australian Law Reform Commission. In Victoria, 90 percent of all the clients seeking legal aid from the Aboriginal Legal Service had been in placement at some stage. In NSW, this figure was 90–95 percent, with most being raised in non-Indigenous foster care.

For many Indigenous children, delinquency was an immediate response to being removed from their families and relocated to an institution. Again, many carried this pattern of delinquency and rebellion against non-Indigenous society into their adult lives. This would mean that institutionalisation also continued, albeit in the criminal justice system rather than the child welfare system.

**And every time you come back in it doesn't bother you because you're used to it and you see the same faces. It's like you never left, you know, in the end.**

(Confidential evidence 204, Victoria)

## Undermined parenting skills

Another major long-term effect is that those children who were removed experience difficulties in raising their own children. Quite simply, these children were denied role models for parenting.

Psychological studies report on the problems people who were institutionalised as children face in raising their own children as adults. Consider this in light of removals and institutionalisation that would often occur across generations in just one family.

Most forcibly removed children were denied the experience of being parented or at least cared for by a person to whom they were attached. This is the very experience people rely on to become effective and successful parents themselves. Institutions, missions or abusive foster homes are not places where people can develop an idea of what parenting involves.

During the period of removals, many removed Indigenous women were having children quite young. Often, they would leave an institution to work as a domestic servant for a non-Indigenous family, only to return to the institution pregnant. So, many young Indigenous women experienced child-rearing for the first time while they were still experiencing the process of removal.

This set in motion a cycle of removal – the children of a removed child would then be removed. By the stage the discriminatory laws were changed and replaced by welfare laws common to all, Indigenous children were still being removed. These laws required that the child be in a state of 'neglect'. In a large

number of situations, the neglectful environment arose precisely because the parenting skills were undermined.

A majority of Indigenous parents removed as children feared their own children being taken away. Sometimes this would mean they were unwilling to take their children to doctors, school or welfare officers for fear the same thing would happen, as happened to them.

On the other hand, the experience of removal often strengthened their parenting skills. These are people who are conscious of how mistreatment and neglect impacted on their development and seek to protect their children from similar abuses. In other words, they viewed their relationship with their children as even more special, taking it less for granted.

**I have a problem with smacking kids. I won't smack them. I won't control them. I'm just scared of everything about myself. I just don't know how to be a proper parent sometimes. I can never say no, because I think they're going to hate me. I remember hating [my foster mother] so I never want the kids to hate me. I try to be perfect.**

(Confidential evidence 529, New South Wales)

## Loss of cultural heritage

One principal effect of the removal policies was the severe erosion of cultural links. This was of course the aim of these policies. The children were to be:

- 'prevented from acquiring the habits and customs of the Aborigines' (South Australian Protector of Aborigines in 1909)
- 'merged into the present civilisation and become worthy citizens' (NSW Colonial Secretary in 1915).

The intended aim and result of the removals was to prevent Indigenous children from cultivating a sense of Indigenous cultural identity while they were developing their own personal identity.

**When we left Port Augusta, when they took us away, we could only talk Aboriginal. We only knew one language and when we went down there, well we had to communicate somehow. Anyway, when I come back I couldn't even speak my own language. And that really bugged my identity up. It took me 40 odd years before I became a man in my own people's eyes, through Aboriginal law. Whereas I should've went through that when I was about 12 years of age.**

(Confidential evidence 179, South Australia)

In a child's early years, both family and culture are important in developing their personal identity and sense of self. Family and culture also strengthen a person's sense of belonging and personal history. For those Indigenous children who were removed, family and culture were replaced by institutions and non-Indigenous homes – a culture both artificial and alien to them.

For many of those removed, this lack of cultural heritage and knowledge continued through their adult lives as they grew up in a non-Indigenous culture. Some were even denied knowledge of their Aboriginality. Finding this out many years later would change their lives dramatically.

As mentioned, the aim of these policies was to assimilate Indigenous children into non-Indigenous society so they could 'become worthy citizens'. As many of the submissions and histories show, the reality was that those removed could not assimilate into non-Indigenous society. They faced continued discrimination.

Many witnesses to the Inquiry spoke of their strong sense of not belonging either in the Indigenous community or in the non-Indigenous community.

I felt like a stranger in Ernabella, a stranger in my father's people. We had no identity with the land, no identity with a certain people. I've decided in the last 10, 11 years to, y'know, I went through the law. I've been learning culture and learning everything that goes with it because I felt, growing up, that I wasn't really a blackfella. You hear whitefellas tell you you're a blackfella. But blackfellas tell you you're a whitefella. So, you're caught in a half-caste world.

(Confidential evidence 289, South Australia)

While Indigenous cultures were not destroyed by these policies, and continue to exist, they were profoundly changed as a result.

For Indigenous communities, this has had a major practical impact on their ability to claim native title.

## Broken families and communities

The trauma of forcible removal of children affected the parents and other relatives left behind as well as the children taken. Evidence put before the Inquiry clearly established that families and whole communities suffered grievously upon the forcible removal of their children.

The Inquiry drew on psychological research into the effects of child adoption on the parents and other family members. The research found the effects to be similar to those where the child has died.<sup>1</sup>

For example, evidence suggested that Indigenous men lost their purpose in relation to their families and communities. Often their individual responses to that loss took them away from their families: on drinking binges, ending up in hospitals following accidents or assaults, in a gaol or lock-up, or prematurely dead.

The interesting thing was that he was such a great provider ... He was a great provider and had a great name and a great reputation. Now, when this intrusion occurred it had a devastating impact upon him and upon all those values that he believed in and that he put in place in his life which included us, and so therefore I think the effect upon Dad was so devastating. And when that destruction occurred, which was the destruction of his own personal private family which included us, it had a very strong devastating effect on him, so much so that he never ever recovered from the trauma that occurred ...

(Confidential evidence 265, Victoria)

However, the effects went beyond the family members and had a significant impact on Indigenous communities.

Parenting roles, nurturing and socialising responsibilities are widely shared in Indigenous societies. Relatives beyond that of the immediate family have nurturing responsibilities and emotional ties with children as they grow up. When the children were taken, many people in addition to the biological parents were bereft of their role and purpose in connection with those children.

Often, communities would not just lose children, but also entire families. Some Indigenous families would exile themselves, leaving their community, out of a fear that their children would be taken away if they stayed.

But there was an even greater impact on communities. When a child was forcibly removed, the community's chance to maintain itself in that child was lost. A community's continued existence depends, amongst other things, on reproduction. A society's future lies in its children.

<sup>1</sup> Margaret van Keppel and Robin Winkler speaking at the Third Australian Conference on Adoption in 1982.



In North America, where similar policies of removal were in place, a Congressional Inquiry found that the removal of Indian children had a severe impact on Indian tribes, threatening their existence.

**[Children are] core elements of the present and future of the community. The removal of these children creates a sense of death and loss in the community, and the community dies too ... there's a sense of hopelessness that becomes part of the experience for that family, that community ...**

(Lynne Datnow, Victorian Koori Kids Mental Health Network, evidence 135)

## Racism

Those Indigenous children who were placed in institutions faced a hazard over and above that experienced by non-Indigenous children who were institutionalised. This was the continual condemnation and attack upon their Aboriginality and that of their families.

Many witnesses to the Inquiry spoke of an uncertainty of how to feel about their Indigenous heritage, some even feeling negative about it.

At the core of these policies was a value judgement based on race. They imposed European culture as a positive in preference to Indigenous culture, which was over and again presented as a negative. Some Indigenous children would come to internalise this racism. In other words, they would judge themselves according to these standards.

**I didn't know any Aboriginal people at all – none at all. I was placed in a white family and I was just – I was white. I never knew, I never accepted myself to being a black person until – I don't know – I don't know if you ever really do accept yourself as being ... How can you be proud of being Aboriginal after all the humiliation and the anger and the hatred you have? It's unbelievable how much you can hold inside.**

(Confidential evidence 152, Victoria)

## 4.

# The effects across generations

## Three level guide

### Part A

1. Read *The effects across generations* resource sheet and look at the following statements.
2. Respond to the statements in each section. Tick if you agree, cross if you disagree.

#### Level 1 Literal Statements

Does the text say this? Note the words and phrases in the resource sheet that support your answer.

	Statement	Agree/ Disagree
1.	When Aboriginal and Torres Strait Islander children were separated from their families, the role of primary carer was replaced by the institution.	
2.	The initial effects of separation of Aboriginal and Torres Strait Islander children from their families developed into other problems such as mental and physical health problems.	
3.	The separation of Aboriginal and Torres Strait Islander children from their families increased racism in Australia.	
4.	A society's future lies in its children.	

#### Level 2 Interpretive statements

Does the text say this? Note the words and phrases in the resource sheet that support your answer.

	Statement	Agree/ Disagree
5.	Statistics demonstrate the negative effects of institutionalism.	
6.	Language and cultural knowledge are essential to develop your own personal identity.	
7.	Forcible separation affected families and communities just as much as it affected the children who were removed.	
8.	Family units are very important in Aboriginal culture.	

#### Level 3 Applied Statements

Do you agree with the statements? Why? Be prepared to share your reasons.

	Statement	Agree/ Disagree
9.	People who receive good parenting become good parents.	
10.	Social and community environments are more important for Indigenous people than non-Indigenous people.	
11.	Indigenous people who were separated from their families need to forget about the past and get on with their lives.	
12.	All you need is love.	

## Part B

1. Read the following quote and consider the questions below.

I had to relearn lots of things. I had to relearn humour, ways of sitting, ways of being which were another way totally to what I was actually brought up with. It was like having to re-do me, I suppose. The thing that people were denied in being removed from family was that they were denied being read as Aboriginal people, they were denied being educated in an Aboriginal way.

This woman lived from five months to 16 years in Cootamundra Girls' Home in the 1950s and 1960s.

(Confidential evidence 71, New South Wales. *Bringing them home*, p203)

a. The quote above mentions 'humour' and 'ways of sitting' as examples of 'ways of being'. Think about what 'ways of being' means to you. Can you provide other examples of 'ways of being'?

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b. Who taught these 'ways of being' to you? Was it a conscious process of learning or more a natural learning process from people around you?

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c. What do you think this suggests about the way community works?

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.....

d. Do you think there might be differences between how Indigenous and non-Indigenous people think about 'community'?

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.....

e. What does the above quote suggest about the impact that policies of protectionism and assimilation have had on the way that Indigenous communities function?

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.....

## 4.

## The effects across generations

## Three level guide suggested answers

## Part A

Students should be encouraged to give their reasoning – they may disagree with the suggested answer in some cases.

## Level 1 Literal Statements

	Statement	Agree/ Disagree
1.	When Aboriginal and Torres Strait Islander children were separated from their families, the role of primary carer was replaced by the institution.	Disagree
2.	The initial effects of separation of Aboriginal and Torres Strait Islander children from their families developed into other problems such as mental and physical health problems.	Agree
3.	The separation of Aboriginal and Torres Strait Islander children from their families increased racism in Australia.	Disagree – although racism was an effect, it does not say that racism necessarily increased.
4.	A society's future lies in its children.	Agree

## Level 2 Interpretive statements

	Statement	Agree/ Disagree
5.	Statistics demonstrate the negative effects of institutionalism.	Agree
6.	Language and cultural knowledge are essential to develop your own personal identity.	Agree
7.	Forcible separation affected families and communities just as much as it affected the children who were removed.	Agree
8.	Family units are very important in Aboriginal culture.	Agree

## Level 3 Applied Statements

Students may agree or disagree with these statements. Students should be prepared to discuss their reasoning. Allow for different points of view.

	Statement	Agree/ Disagree
9.	People who receive good parenting become good parents.	
10.	Social and community environments are more important for Indigenous people than non-Indigenous people.	
11.	Indigenous people who were separated from their families need to forget about the past and get on with their lives.	
12.	All you need is love.	

## Part B (Questions for discussion only)

## 5.

# Track the History

## Timeline

### The history of the separation of Aboriginal and Torres Strait Islander children from their families

This timeline details the history of forcible removal of Indigenous children from their families. Information is primarily taken from the findings of the *National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from Their Families*, and from a wide range of other sources.

The timelines provides up-to-date information about the status of the recommendations of the report. It links to responses and actions from government, and from the Indigenous and non-Indigenous communities. The timeline is available online at: [www.humanrights.gov.au/education/bth/download/Track\\_History\\_A1poster.pdf](http://www.humanrights.gov.au/education/bth/download/Track_History_A1poster.pdf)

#### 45 000 years ago

Rock engravings in South Australia suggest evidence of land inhabitancy.

- Timeline of pre-colonisation history of Indigenous peoples in Australia: <http://www.loreoftheland.com.au/land/time.html>

#### 1451

Dutch explorers record the journeys of Macassan Trepangers (indigenous traders from Indonesia) to northern Australia. Trade between the Macassans and Aborigines continues until 1906.

- Timeline of contact between outsiders and Indigenous people in Australia: [http://www.racismnoway.com.au/library/keydates/index-Pre\\_1700.html](http://www.racismnoway.com.au/library/keydates/index-Pre_1700.html)

#### 1770

James Cook claims possession of the whole east coast of Australia. Cook raises the British flag at Possession Island, off Cape York Peninsula in Queensland.

- The Secret Instructions to Lieutenant Cook 30 July 1768: <http://www.foundingdocs.gov.au/item.asp?sdlID=67>

#### 1788

The First Fleet lands in Port Jackson – British settlement in Australia begins. Clashes between Aboriginal people and the settlers are reported over the next 10 years in the Parramatta and Hawkesbury areas.

- First Fleet Online: <http://cedir.uow.edu.au/programs/FirstFleet/>
- An overview of the landing and settlement: <http://www.acn.net.au/articles/1999/01/australia.htm>

#### 1814

Governor Macquarie opens a school for Aboriginal children at Parramatta called the 'Native Institution'.

- Read the Story of Maria Locke, the first girl to be placed in the care of the Native Institution at Parramatta when it opened in 1815: <http://www.abc.net.au/lateline/content/2003/hc48.htm>

#### 1824

Marital law is declared in Bathurst, New South Wales, when several Europeans are killed by Aboriginal people and conflict with Aborigines is seen as a serious threat to white settlement.

- An account of the 1824 war in Bathurst: [http://www.nsw.nationaltrust.org.au/ida/link\\_d3\\_1824war.html](http://www.nsw.nationaltrust.org.au/ida/link_d3_1824war.html)

## 1830

Tasmanian Aboriginal people are resettled on Flinders Island without success. Later, the community is moved to Cape Barren Island.

- A history of Flinders Island: <http://www.focusonflinders.com.au/about.htm>
- Alma Stackhouse's story: <http://www.austlii.edu.au/au/other/IndigLRes/car/1993/15/21.html>

## 1834

In Western Australia, Governor Stirling leads 25 mounted police against the Aboriginal people. Conflicting records exist in regards to the number of people killed during the Battle of Pinjarra.

## 1837

British Select Committee examines the treatment of Indigenous people in all British colonies and recommends that 'Protectors of Aborigines' be appointed in Australia.

## 1838

Myall Creek Massacre. Near Inverell (NSW), settlers shoot 28 Aboriginal people, mostly women and children. 11 Europeans were charged with murder but are acquitted. A new trial is held and seven men are charged with the murder of one Aboriginal child. They are found guilty and hanged.

- *R v Kilmeister (No 2), 1838* – text of the decision of the Superior Court of New South Wales by Justice Burton:  
[http://www.law.mq.edu.au/scnsw/Cases1838-39/html/r\\_v\\_kilmeister\\_\\_no\\_2\\_\\_\\_1838.htm](http://www.law.mq.edu.au/scnsw/Cases1838-39/html/r_v_kilmeister__no_2___1838.htm)

## 1869

The *Aborigines Protection Act (Vic)* establishes an Aborigines Protection Board in Victoria to manage the interests of Aborigines. The Governor can order the removal of any child from their family to a reformatory or industrial school.

- The *Aboriginal Protection Act* : <http://foundingdocs.gov.au/item.asp?sdID=22>

## 1883

The NSW Aborigines Protection Board is established to manage the lives of 9000 people.

- Protection and Welfare Boards in New South Wales:  
<http://www.austlii.edu.au/au/other/IndigLRes/rciadic/regional/nsw-vic-tas/206.html>

## 1897

The *Aboriginal Protection and Restriction of the Sale of Opium Act (Qld)* allows the Chief Protector to remove local Aboriginal people onto and between reserves and hold children in dormitories. Until 1965 the Director of Native Welfare is the legal guardian of all 'aboriginal' children whether their parents are living or not.

- A copy and description of the Act: <http://foundingdocs.gov.au/item.asp?sdID=54>

## 1901

Australia becomes a Federation. The Constitution states that Aboriginal People will not be counted in the census, and that the Commonwealth has the power to make laws relating to any race of people in Australia with the exception of Aborigines. The federated states therefore retain exclusive power over Aboriginal affairs until the Constitution is amended in 1967.

- A copy of the original constitution: <http://www.foundingdocs.gov.au/item.asp?dID=11>
- A copy of the current Australian Constitution:  
<http://www.aph.gov.au/senate/general/constitution/index.htm>

## 1905

The *Aborigines Act* (WA) is passed. Under this law, the Chief Protector is made the legal guardian of every Aboriginal and 'half-caste' child under 16 years old. In the following years, other states and territories enact similar laws.

- *Bringing them home* – Appendix 5: Western Australia. Laws applying specifically to Aboriginal children: <http://www.austlii.edu.au/au/other/IndigLRes/stolen/stolen68.html>
- Some information on one of the NT Chief Protectors:  
[http://www.abc.net.au/federation/fedstory/ep4/ep4\\_people.htm](http://www.abc.net.au/federation/fedstory/ep4/ep4_people.htm)

## 1909

The *Aborigines Protection Act* (NSW) gives the Aborigines Protection Board power to assume full control and custody of the child of any Aborigine if a court found the child to be neglected under the *Neglected Children and Juvenile Offenders Act 1905* (NSW).

## 1911

The *Aborigines Act* (SA) makes 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.

The *Northern Territory Aborigines Ordinance* (Cth) gives the Chief Protector 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'. The *Aborigines Ordinance 1918* (Cth) extends the Chief Protector's control even further.

## 1915

The *Aborigines Protection Amending Act* (NSW) gives power to the Aboriginal Protection Board to separate Indigenous children from their families without having to establish in court that they were neglected.

## 1928

Coniston Massacre, Northern Territory. Europeans shoot 32 Aborigines after a white dingo trapper and station owner are attacked by Aborigines. A court of inquiry says the European action was 'justified'.

- Perspectives on the Coniston Massacre: <http://www.abc.net.au/frontier/education/coniston.htm>

## 1935

The introduction of the *Infants Welfare Act* (Tas) is used to remove Indigenous children on Cape Barren Island from their families. From 1928 until 1980 the head teacher on Cape Barren is appointed as a special constable with the powers and responsibilities of a police constable, including the power to remove a child for neglect under child welfare legislation.

## 1937

The first Commonwealth/State conference on 'native welfare' adopts assimilation as the national policy:

*The destiny of the natives of aboriginal origin, but not of the full blood, lies in ultimate absorption ... with a view to their taking their place in the white community on an equal footing with the whites.*

In 1951, at the third Commonwealth/State Conference on 'native welfare', assimilation is affirmed as the aim of 'native welfare' measures.

- National Report Volume 2 – The Assimilation Years: <http://www.austlii.edu.au/cgi-bin/disp.pl/au/other/IndigLRes/rciadic/national/vol2/278.html?query=%7e+assimilation>

## 1938

Australian Aborigines Conference held in Sydney. Meeting on January 26, the 150th Anniversary of NSW, Aborigines mark the 'Day of Mourning'.

- The Resolution from the Australian Aborigines Conference: <http://www.abc.net.au/frontier/education/shutstu.htm#1938>
- Australian History Reclaims its Indigenous Past: <http://www.austlii.edu.au/au/other/IndigLRes/car/1996/1/wtpag12.htm>

## 1940

The NSW Aborigines Protection Board loses its power to remove Indigenous children. The Board is renamed the Aborigines Welfare Board and is finally abolished in 1969.

- A history of Aboriginal child welfare in NSW: <http://www.lawlink.nsw.gov.au/lrc.nsf/pages/RR7CHP2>

## 1948

The Universal Declaration of Human Rights is adopted by the newly-formed United Nations, and supported by Australia.

- The Declaration: <http://www.un.org/Overview/rights.html>

## 1949

The Convention on the Prevention and Punishment of the Crime of Genocide is ratified by Australia. It comes into force in 1951.

- The Convention on the Prevention and Punishment of the Crime of Genocide: [http://www.unhchr.ch/html/menu3/b/p\\_genoci.htm](http://www.unhchr.ch/html/menu3/b/p_genoci.htm)

## 1952–1963

Atomic tests take place at Emu Field and Maralinga in South Australia. Aborigines describe a 'black mist' and report sight loss and skin rashes. Many die from radiation poisoning. Hundreds of families are forced to leave their homelands because of contamination.

- A website on Maralinga: <http://www.naa.gov.au/fsheets/fs129.html>

## 1966

In the Northern Territory, Aboriginal stock workers protest against their living conditions in the Wave Hill Walk Off.

- A fact sheet about the Walk Off: <http://www.racismnoway.com.au/library/keydates/index-1900s.html#1960>



## 1967

A national referendum is held to amend the Constitution. Australians confer power on the Commonwealth to make laws for Aboriginal people. Aborigines are included in the census for the first time.

- A fact sheet about the referendum: [http://www.aa.gov.au/publications/fact\\_sheets/fs150.html](http://www.aa.gov.au/publications/fact_sheets/fs150.html)
- Section 51xxvi <http://www.foundingdocs.gov.au/amendment.asp?amID=17>
- Section 127 <http://www.foundingdocs.gov.au/amendment.asp?amID=21>

## 1969

By 1969, all states had repealed the legislation allowing for the removal of Aboriginal children under the policy of 'protection'. In the following years, Aboriginal and Islander Child Care Agencies ("AICCAs") are set up to contest removal applications and provide alternatives to the removal of Indigenous children from their families.

## 1971

Neville Bonner is sworn in as Australia's first Aboriginal Senator.

- Biography – Neville Bonner: <http://www.abc.net.au/btn/australians/bonner.htm>

## 1972

The Aboriginal Tent Embassy is pitched outside Parliament House in Canberra to demonstrate for Land Rights.

## 1975

The Commonwealth Government passes the *Racial Discrimination Act 1975*

## 1976

The *Aboriginal Land Rights (Northern Territory) Act* is passed by Commonwealth Parliament in 1976. It provides for recognition of Aboriginal land ownership, granting land rights to 11, 000 Aboriginal people and enabling other Aboriginal people to lodge a claim for recognition of traditional ownership of their lands.

- *Aboriginal Land Rights (Northern Territory) Act 1976* (Cth): <http://www.foundingdocs.gov.au/item.asp?sdID=64>

## 1980

Link-Up (NSW) Aboriginal Corporation is established. It is followed by Link-Up (Brisbane) in 1984, Link-Up (Darwin) in 1989, Link-Up (Tas) in 1991, Link-Up (Vic) in 1992, Link-Up (SA) in 1999, Link-Up (Alice Springs) in 2000, and Link-Up (WA – seven sites) in 2001. Link-Up provides family tracing, reunion and support for forcibly removed children and their families.

- List of current Link-Up organisations: [http://www.aiatsis.gov.au/library/family\\_history\\_tracing/link\\_up\\_services](http://www.aiatsis.gov.au/library/family_history_tracing/link_up_services)

## 1981

Secretariat of the National Aboriginal and Islander Child Care established (SNAICC). SNAICC represents the interests on a national level of Australia's 100 or so Indigenous community-controlled children's services.

- Secretariat of the National Aboriginal and Islander Child Care established (SNAICC): <http://www.snaicc.asn.au/>

### 1983

The Aboriginal Child Placement Principle, developed principally due to the efforts of Aboriginal and Islander Child Care Agencies (“AICCA’s”) during the 1970s, is incorporated in NT welfare legislation to ensure that Indigenous children are placed with Indigenous families when adoption or fostering is necessary. This is followed in NSW (1987), Victoria (1989), South Australia (1993), Queensland and the ACT (1999), Tasmania (2000) and Western Australia (2006).

- *Bringing them home* report – Aboriginal Child Placement Principle: State and Territory Review: <http://www.austlii.edu.au/au/special/rsjproject/rsjlibrary/hreoc/stolen/stolen48.html>

### 1987

Northern Territory elections are held and for the first time voting is compulsory for Aboriginal people.

### 1988

The Bicentennial of British Settlement in Australia takes place. Thousands of Indigenous people and supporters march through the streets of Sydney to celebrate cultural and physical survival.

- The Aboriginal Memorial: We Have Survived: <http://www.nga.gov.au/Dreaming/Index.cfm?Refnc=Ch2a>

### 1991

The Council for Aboriginal Reconciliation is set up, funded by the Commonwealth Government. Parliament noted that there had not been a formal process of reconciliation to date, ‘and that it was most desirable that there be such a reconciliation’ by 2001.

- Reconciliation Australia website: <http://www.reconciliationaustralia.org/graphics/ra/history.html>

The Royal Commission into Aboriginal Deaths in Custody presents its report to the Commonwealth Government. It finds that of the 99 deaths it investigated, 43 were of people who were separated from their families as children.

- ATSIIC website – Royal Commission into Aboriginal Deaths in Custody: <http://www.austlii.edu.au/au/special/rsjproject/rsjlibrary/atsic/ar1991-92/20.html>

### 1992

The High Court of Australia hands down its landmark decision in *Mabo v Queensland*. It decides that native title exists over particular kinds of lands – unalienated Crown Lands, national parks and reserves – and that Australia was never terra nullius or empty land.

- Access the High Court decision on *Mabo* at: <http://www.austlii.edu.au/au/special/rsjproject/rsjlibrary/archives/mabo/>

### 1993

International Year of Indigenous People.

The Commonwealth Government passes the *Native Title Act 1993*. This law allows Indigenous people to make land claims under certain situations. Claims cannot be made on freehold land (privately-owned land).

- Native Title: [http://www.humanrights.gov.au/social\\_justice/native\\_title/index.html](http://www.humanrights.gov.au/social_justice/native_title/index.html)

The position of Aboriginal and Torres Strait Islander Social Justice Commissioner is established within the Australian Human Rights Commission. The Commissioner's role is to monitor and report to Commonwealth Parliament on the human rights of Indigenous Australians.

- For further information on the role of the Commissioner see:  
[http://www.humanrights.gov.au/social\\_justice/index.html](http://www.humanrights.gov.au/social_justice/index.html)

## 1994

The *Going Home* Conference in Darwin brings together over 600 Aboriginal people removed as children to discuss common goals of access to archives, compensation, rights to land and social justice.

## 1995

The *National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children From Their Families* is established by the Commonwealth Government in response to efforts made by key Indigenous agencies and communities.

- Terms of Reference:  
<http://www.austlii.edu.au/au/special/rsjproject/rsjlibrary/hreoc/stolen/prelim.html#terms>

## 1996

The High Court hands down its decision in the *Wik* case. *Wik* concerned land, which is, or has been, subject to pastoral leases.

- [http://www.austlii.edu.au/au/special/rsjproject/rsjlibrary/hreoc/ntreport\\_1997/03.html](http://www.austlii.edu.au/au/special/rsjproject/rsjlibrary/hreoc/ntreport_1997/03.html)

## 1997

The Commission presents *Bringing them home*, its report on the findings of the National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from their Families to the Commonwealth Government.

- The *Bringing them home* report:  
<http://www.austlii.edu.au/au/special/rsjproject/rsjlibrary/hreoc/stolen/>

The parliaments and governments of Victoria, Tasmania, ACT, New South Wales, South Australia and Western Australia all issue statements recognising and publicly apologising to the 'Stolen Generations'.

- For the specific details of the apologies issued in various state jurisdictions, see:  
<http://pandora.nla.gov.au/pan/49245/20050414/www.daa.nsw.gov.au/news/files/FinalBTHReportDec2003.doc>

## 1998

The Commission releases the Social Justice Report 1998, which includes a summary of responses from the churches, and non-Indigenous community to the Inquiry's recommendations plus an Implementation Progress Report.

- *Social Justice Report 1998*: [http://www.humanrights.gov.au/social\\_justice/sjreport\\_98](http://www.humanrights.gov.au/social_justice/sjreport_98)

The Commonwealth Government amends the *Native Title Act*. This restricts the way in which native title can be claimed.

- The Ten Point Plan in response to the Wik decision:  
[http://www.nlc.org.au/html/land\\_native\\_amend.html](http://www.nlc.org.au/html/land_native_amend.html)

National Archives Australia – *Bringing them home* indexing project is launched. The project is focussed on the identification and preservation of Commonwealth records related to Indigenous people and communities.

- *Bringing them home* indexing project – Fact Sheet: <http://www.naa.gov.au/fsheets/fs175.html>

## 1999

Federal Parliament passes a motion of 'deep and sincere regret over the removal of Aboriginal children from their parents'.

Mandatory sentencing in Western Australia and the Northern Territory becomes a national issue. Many call for these laws to be overturned because they have greater impact on Indigenous children than on non-Indigenous children.

- Statement from the Aboriginal and Torres Strait Islander Commissioner on mandatory sentencing: [http://www.hreoc.gov.au/speeches/social\\_justice/mandatory\\_sentencing.html](http://www.hreoc.gov.au/speeches/social_justice/mandatory_sentencing.html)

## 2000

The People's Walk for Reconciliation on 28 May occurs in state/territory capitals throughout Australia.

Australia appears before the United Nations Committee on the Elimination of Racial Discrimination. The Committee criticises the Commonwealth Government's inadequate response to recommendations from *Bringing them home*:

*While noting the efforts by the State party to address the tragedies resulting from the previous policy of removing indigenous children from their families, the Committee remains concerned about the continuing effects of this policy.*

*The Committee recommends that the State party intensify these efforts so that the victims themselves and their families will consider that they have been afforded a proper remedy (arts 2, 17 and 24).*

- For the full text of the Concluding Observations of the HRC see [http://www.unhchr.ch/tbs/doc.nsf/\(Symbol\)/A.55.40,paras.498-528.En?OpenDocument](http://www.unhchr.ch/tbs/doc.nsf/(Symbol)/A.55.40,paras.498-528.En?OpenDocument)
- Aboriginal and Torres Strait Islander Social Justice Commissioner's *Social Justice Report 2000*: [http://www.hreoc.gov.au/social\\_justice/sjreport00/chap3.html#ch3\\_aus\\_appearance](http://www.hreoc.gov.au/social_justice/sjreport00/chap3.html#ch3_aus_appearance)

Inquiry into the Federal Government's Implementation of the Recommendations Made by the Human Rights and Equal Opportunity Commission (as it was then known) in *Bringing them home* undertaken by the Senate Legal and Constitutional References Committee.

- *HEALING: A Legacy of Generations* – the report of the Inquiry into the Federal Government's Implementation of the Recommendations in *Bringing them home*: [http://www.aph.gov.au/Senate/committee/legcon\\_ctte/stolen/report/index.htm](http://www.aph.gov.au/Senate/committee/legcon_ctte/stolen/report/index.htm)
- Speech by Dr William Jonas, Aboriginal and Torres Strait Islander Social Justice Commissioner at the public hearings held in July 2000: [http://www.humanrights.gov.au/speeches/social\\_justice/stolen\\_generation.html](http://www.humanrights.gov.au/speeches/social_justice/stolen_generation.html)

Final report of the Council for Aboriginal Reconciliation presented to the Prime Minister and the Commonwealth Parliament.

- For a full text of the report see: <http://www.austlii.edu.au/au/other/IndigLRes/car/2000/16/>

## 2001

The Northern Territory Government repeals its mandatory sentencing laws.

The Northern Territory Government presents a parliamentary motion of apology to people who were removed from their families.

The Commission & PIAC (Public Interest Advocacy Centre) hold the Moving Forward Conference. The conference aims to explore ways of providing reparations to Indigenous people forcibly removed from their families.

## 2002

The *Social Justice Report 2001* and *Native Title Report 2001* are presented to Commonwealth Parliament. Both reports express serious concerns about the nation's progress in achieving the exercise of Indigenous rights.

- Whatever happened to Reconciliation? Speech by Dr William Jonas at the media conference to launch the *Social Justice Report 2001* and the *Native Title Report 2001*:  
[http://www.humanrights.gov.au/speeches/social\\_justice/what\\_happened\\_reconciliation.html](http://www.humanrights.gov.au/speeches/social_justice/what_happened_reconciliation.html)
- *Social Justice Report 2001* – Reconciliation Progress Report:  
[http://www.humanrights.gov.au/social\\_justice/sjreport\\_01/chapter6.html](http://www.humanrights.gov.au/social_justice/sjreport_01/chapter6.html)

The Public Interest Advocacy Centre (PIAC) releases *Restoring Identity – the follow up report to the Moving Forward Conference*. The report presents a proposal for a reparations tribunal.

- *Restoring Identity* Final Report 2002:  
[http://www.piac.asn.au/publications/pubs/restore\\_20020927.html](http://www.piac.asn.au/publications/pubs/restore_20020927.html)

*Inquiry into the Progress Towards National Reconciliation* undertaken by the Senate Legal and Constitutional References Committee.

- Inquiry into the Progress Towards National Reconciliation:  
[http://www.aph.gov.au/Senate/committee/legcon\\_ctte/reconciliation/index.htm](http://www.aph.gov.au/Senate/committee/legcon_ctte/reconciliation/index.htm)
- Statement at the media conference for the Senate Legal and Constitutional References Committee's Reconciliation Inquiry by Dr William Jonas, Aboriginal and Torres Strait Islander Social Justice Commissioner:  
[http://www.humanrights.gov.au/speeches/social\\_justice/jonas\\_reconciliation\\_inquiry.html](http://www.humanrights.gov.au/speeches/social_justice/jonas_reconciliation_inquiry.html)

The Sorry Day Committee release report of the Parliamentary Seminar Report: *Are we bringing them home?* The Report surveys the progress in the implementation of the *Bringing them home* recommendations.

National Library of Australia Oral History Project, *Many Voices: Reflections on Experience of Indigenous Child Separation* published.

- National Library of Australia Gateways at: <http://www.nla.gov.au/ntwkpubs/gw/60/p01a01.html>

The first member of the Stolen Generations is awarded compensation in the NSW Victims Compensation Tribunal for the sexual assault and injuries she suffered after authorities removed her from her family.

- For a media release giving more details on the decision, see:  
<http://www.theage.com.au/articles/2002/10/17/1034561266360.html>

As part of the Victorian Government's response to the *Bringing them home* Report, Victoria establishes a Stolen Generations taskforce.

## 2003

The Ministerial Council for Aboriginal and Torres Strait Islander Affairs (MCATSIA) commissions and releases an independent evaluation of government and non-government responses to *Bringing Them Home*.

- For the full text of this report see:  
<http://pandora.nla.gov.au/pan/49245/20050414/www.daa.nsw.gov.au/news/files/FinalBTHReportDec2003.doc>

The Aboriginal and Torres Strait Islander Social Justice Commissioner publicly criticises the failure of governments to provide financial and social reparations for members of the Stolen Generation, a national apology, or the appropriate mechanisms for individuals that were forcibly removed to reconnect with their culture.

- For a full text of the speech see:  
[http://www.humanrights.gov.au/speeches/social\\_justice/snaicc.htm](http://www.humanrights.gov.au/speeches/social_justice/snaicc.htm)

## 2004

The Commonwealth Government establishes a memorial to the Stolen Generations at Reconciliation Place in Canberra.

- For a description of the text that accompanies the artwork see:  
<http://www.nsdcc.org.au/index.php/index.htm>

461 'Sorry Books' recording the thoughts of Australians on the unfolding history of the Stolen Generations are inscribed on the Australian Memory of the World Register, part of UNESCO's programme to protect and promote documentary material with significant historical value.

- For the full media release relating to the inscription of the books see:  
<http://www.eniar.org/news/unesco.html>

## 2005

The organisation Stolen Generations Victoria is set up as a result of the 2003 report of the Stolen Generations taskforce. Its purpose is to establish a range of support and referral services that will assist Stolen Generation peoples to reconnect with their family, community, culture and land.

- For more details on this organisation see: <http://www.stolengenerationsvictoria.org.au>

The National Sorry Day Committee announces that in 2005, Sorry Day will be a 'National Day of Healing for All Australians' in an attempt to better engage the non-Indigenous Australian community with the plight of the Stolen Generations.

- For details on this announcement see: <http://www.nsdcc.org.au/index.php/index.htm>
- For the official declaration made by Australia's Aboriginal and Torres Strait Islander Stolen Generations on Sorry Day 2005 see: <http://www.eniar.org/news/nsdc4.html>

The Aboriginal and Torres Strait Islander Commission (ATSIC) is dismantled by the *Aboriginal and Torres Strait Islander Commission Amendment Act 2005* (Cth) and replaced by a Commonwealth Government appointed advisory board.

- For media releases surrounding the demise of ATSIC see:  
<http://www.abc.net.au/pm/content/2004/s1088224.htm>

The first official Sorry Day ceremony outside Australia is hosted in Lincoln Fields, London, on 25 May 2005.

- For the full details of this celebrations see: <http://www.eniar.org/news/SorryDayUK2005.html>

Volume two of the Western Australian Aboriginal Child Health Survey is released. The report says that 12.3% of the carers of Indigenous children aged 0–17 in Western Australia were forcibly removed from their families. Compared with other Indigenous children, the children of members of the 'Stolen Generations' are twice as likely to have emotional and behavioural problems, to be at high risk for hyperactivity, emotional and conduct disorders, and twice as likely to abuse alcohol and drugs.

- For the full text of this report see:

<http://www2.ichr.uwa.edu.au/waachs/publications/docs/Volume2%20Complete.pdf>

The United Nations Commission on Human Rights passes Resolution 2005/35 that adopts the Van Boven/Bassiouni Principles. These principles declare a right to a remedy and reparation for victims of gross violations of international human rights law and serious violations of international humanitarian law.

- For the full text of Resolution 2005/35 see:

<http://www.ohchr.org/english/bodies/chr/docs/61chr/reportCHR61.pdf>

## 2006

The first Stolen Generations compensation scheme in Australia is set up in Tasmania by the *Stolen Generations of Aboriginal Children Act 2006* (Tas).

- For the full text of the legislation see: <http://www.thelaw.tas.gov.au>

## 2007

The tenth anniversary of the *Bringing them home* report is recognised around Australia with a number of different events.

- For details of events see [http://www.humanrights.gov.au/social\\_justice/bth\\_report/index.html](http://www.humanrights.gov.au/social_justice/bth_report/index.html)

The first Stolen Generations compensation case is successful in the Supreme Court of South Australia. The *Trevorrow* judgment recognised the existence of the policy of removing Aboriginal children from their families and the detrimental long-term effects of that policy on both the removed children and on the wider Aboriginal community. It found that even though the State of South Australia had guardianship powers over Aboriginal children, those powers were formulated for the 'care and protection' of Aboriginal children, and did not extend to removal of children from their natural parents.

- See <http://www.courts.sa.gov.au/judgments/topics.html>

## 2008

The federal government publically apologises to the Aboriginal and Torres Strait Islander people of Australia for the forced removals of their children throughout history.

Response to Government to the National Apology to the Stolen Generations' by Tom Calma – 13 February 2008.

- See [www.humanrights.gov.au/about/media/speeches/social\\_justice/2008/20080213let\\_the\\_healing\\_begin.html](http://www.humanrights.gov.au/about/media/speeches/social_justice/2008/20080213let_the_healing_begin.html)
- <http://www.abc.net.au/tv/apology/>
- Apology transcript – AIATSIS – <http://www1.aiatsis.gov.au/exhibitions/apology/sorry.html>

The Federal Parliament opens for the year with a *Welcome to Country*, for the first time ever.

## 2009

The Federal Government establishes the National Congress of Australia's First Peoples.

**Note: For the latest up-to-date information about the status of the recommendations of the report go the Social Justice section of the website at: [www.humanrights.gov.au/social\\_justice](http://www.humanrights.gov.au/social_justice)**

## 5.

# Track the History

## Timeline activity sheet

### Part A – Using the timeline

1. List five events from the *Track the History* timeline that directly relate to the separation of Aboriginal and Torres Strait Islander children from their families in the table below:

1.	
2.	
3.	
4.	
5.	

2. The timeline contains a number of events that are not directly connected to the removal of Indigenous children from their families. They do, however, have an indirect connection. Using the timeline, find the events that match the dates below and write a sentence or two on how you think the event is related to the removal of Indigenous children.

Date	Event	How is it connected to the separation of Aboriginal and Torres Strait Islander children from their families?
1770	James Cook claims possession of the whole east coast of Australia. Cook raises the British flag at Possession Island, off Cape York Peninsula in Queensland.	Cook's landing is significant because it marked the first non-Aboriginal and Torres Strait Islander settlement of Australia, and the beginning of white colonisation.
1901		
1937		



Date	Event	How is it connected to the separation of Aboriginal and Torres Strait Islander children from their families?
1948		
1967		
1993		
1996		

### Part B – Group discussion: time, people and places

1. Working in groups, discuss how the concepts of time, people and place help us to understand history. Here are some focus questions and propositions to start your discussion.

The timeline contains issues that are not directly connected with the removal of Indigenous children. For example, there are dates concerning Australia’s independence from Britain. This is almost a thread of history in its own right.

What other ‘threads of history’ are in the timeline?

.....

.....

.....

.....

Why do you think they are there?

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.....

.....

.....

Events take place in a social context. They are often connected with events that may initially seem quite separate and independent. History should not be seen as development in a line, but as set of relationships between things, events, ideas and people.

What do you think is meant by 'social context'?

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.....

.....

.....

What does this mean about the way we think about the history of removals?

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.....

.....

Should we be looking for patterns? How can we do this?

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**2.** When the discussion is complete reflect on the opinions you have heard from your classmates and write a paragraph below. Identify the points of discussion you viewed as most important.

**Personal perspective**

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## 5.

# Track the History

## Timeline activity suggested answers

### Part A – Using the timeline

1. Students are required to list five events that directly relate to separation. Students will have their own perspective on this, although they should indicate reference to the specific changes in laws (such as the Aboriginal Protection Acts).
2. Suggested answers are provided for the events below, although students will have their own reasoning for explaining the connection.

Date	Event	How is it connected to the separation of Aboriginal and Torres Strait Islander children from their families?
1770	James Cook claims possession of the whole east coast of Australia. Cook raises the British flag at Possession Island, off Cape York Peninsula in Queensland.	Cook's landing is significant because it marked the first non-Aboriginal and Torres Strait Islander settlement of Australia, and the beginning of white colonisation.
1901	Federation	
1937	First Commonwealth/ State conference on native welfare	
1948	Universal Declaration of Human Rights	
1967	National referendum	
1993	International year of Indigenous people	
1996	High Court hands down Wik decision	

### Part B – Group discussion: time, people and places

There are no set answers for this section.

## 5.

# Track the History

## Research activity sheet

### Aim

To explore how the separation of Aboriginal and Torres Strait Islander children from their families fits into both Indigenous and non-Indigenous histories.

### Step one – getting started

1. Select an event from the timeline. Alternatively, you may wish to identify a particular question that was raised by the information you discovered in the timeline.
2. Most of the events in the timeline have a link to another website where you can find more information. Use the links in the timeline as a starting point for your research. At this stage, you should focus on defining your research topic.
3. Read through what the webpage has to say about the event. If you do not have access to the internet, another good starting point is an encyclopaedia in your school or local library.
4. Use the table below to assist you during your initial research.

Note your research topic or question, along with the date of the event or issue you are interested in and any definitions you discover. You should also note any possible resources or research paths you have identified for further exploration.

<p>Research topic or question:</p>  <p>(Due date: ..... )</p>
<p>Relevant date(s) of event:</p>
<p>Definitions:</p>
<p>Research paths to follow up:</p>

## Step two – research

The next step is to do the research. The internet is one place to start research as it puts you in connection with a range of information. However, the internet is not the only place you can ‘surf’ for information.

- try your school, local or state library
- approach people in your local community who can give you some information. Local history societies or Indigenous groups may be able to assist you with your search for information (such as a Link-Up organisation).
- be creative about what kind of information you look at. Often, pictures and music can be just as informative and revealing.

As you go along, keep track of what you do and where you go. Keep a log (journal) of what material you have read and, if possible, make copies of any images or important bits of information.

## Step three – putting it together

After completing your research, you need to sort the information you have gathered into a logical order. This is a really important stage of research where you must create a structure and format for the report, essay or story you will produce.

A good way of doing this is to break it up using the basic questions of research: *when, where, what, why, who* and *how*. Use the table below to sort out your notes:

<p><b>When?</b></p> <ul style="list-style-type: none"> <li>• When did it happen?</li> <li>• Was it connected to other events?</li> <li>• Was it just one event or part of a series of events?</li> </ul>	
<p><b>What happened?</b></p> <ul style="list-style-type: none"> <li>• What are the basic facts?</li> <li>• Are there differences of opinion?</li> <li>• If so, what are these?</li> </ul>	

<p><b>Who?</b></p> <ul style="list-style-type: none"> <li>• Who caused the event?</li> <li>• Who did it affect?</li> <li>• What people were involved?</li> <li>• Who is telling the story?</li> </ul>	
<p><b>Why?</b></p> <ul style="list-style-type: none"> <li>• Why did it happen?</li> <li>• Are there differences of opinion?</li> <li>• If so, what are they?</li> </ul>	
<p><b>How is it related to the separation of Aboriginal and Torres Strait Islander Children from their families?</b></p> <ul style="list-style-type: none"> <li>• Why do you think this event is included in the timeline?</li> </ul>	
<p><b>Other information</b></p> <ul style="list-style-type: none"> <li>• Record information that may not relate to the above questions, but that you still think is important.</li> </ul>	

## Step four – presenting to an audience

Create a report, presentation or some other format to present your research to an audience.

There are many ways of presenting information: news reportage, standard writing, visually, through music. Your teacher will give you some ideas and direction on how to present the information you have discovered during your research.

The important thing for you to think about is who your audience is and how they best receive information.

## 6.

## Australia – a national overview

## Resource sheet

**Note:** This overview is based primarily on the *Bringing them home* report and provides a background to the policies and practices that authorised the removal of Aboriginal and Torres Strait Islander children from their families. It is not intended to be used as a comprehensive historical document.

### ‘Unoccupied’ land

Aboriginal people and their ancestors have occupied Australia for at least 40 000 years. They had with their own systems of law, languages and cultural practices. Although Indonesian traders had visited Australia in the 15th century it was not until the mid 1500s that European powers began to consider the possible existence of a ‘great southern land’.

Spanish and Portuguese explorers and merchants often chanced upon Australia’s shores by accident, reporting back to their governments. Dutch explorers such as William Jansz, Dirk Hartog and Abel Tasman made sightings and landings on Australia’s shores. These early colonial powers were mainly interested in commerce rather than settlement.

Some 140 years after the Dutch named this land mass ‘New Holland’, James Cook led the journey on the Endeavour. He was commissioned by the British Government to make three voyages, and to consider the trading and settlement possibilities. On 23 August 1770, after landing at Botany Bay, Cook claimed the land for the British Crown and named it New South Wales.

It was some 16 years before the British Government looked at settling New South Wales. Unlike many of Australia’s other colonies, New South Wales was initially set up as a penal colony. The traditional view is that Britain sought to relieve the pressure on its prisons. A growing urban underclass in its cities was causing increased crime and the loss of the American colonies necessitated a search for new places to deport convicts.

On 26 January 1788, the First Fleet landed carrying some 1 000 people, more than 700 of whom were convicts. The British also brought over a system of law, administration and cultural practices. Their vision of settlement was based on the European doctrine of *terra nullius*, or unoccupied land. This justification for settlement was used in spite of contact with Aboriginal people since Cook’s landing. No treaty or agreement for land use was made.

### Early colonisation

The New South Wales settlement was soon filled with convicts, colonial administrators and military police from Britain. Resistance and conflict between Europeans and Aborigines began almost immediately. Captain Phillip estimated there were 1 500 Aborigines living in the Sydney region.

Aboriginal communities who lived on or near the settlements were forced back into the territories of other communities. They protested against the colonial land claims and development. This pattern was followed once penal colonies were set up in Van Diemen’s Land (Tasmania) in 1803 and in Queensland in 1824.

Food and natural resources were major problems for settlers – the climate and geography were also very different from that in Europe. Human resources were also limited. There were very few farmers, carpenters and engineers, all needed to create a self-supporting colony. Health was also a problem for the settlers, though not as great a problem as the introduced diseases (carried on the First Fleet) were for Aboriginal people. In 1789 smallpox decimated the Aboriginal population of Port Jackson, Botany Bay and Broken Bay.

In 1790, a second fleet of migrants arrived from Britain – this time most on board were free settlers. Governor Phillip encouraged them to establish farming and grazing to the north and west of the settlement. Gradually, the colony began to grow and become self-sufficient.

During this expansion and exploration conflict between Aboriginal peoples and European settlers heightened, with quite violent consequences in many cases. In 1799 a six year period of resistance to white settlement by Aborigines in the Hawkesbury and Parramatta regions commenced. In Queensland, settlers poisoned Aboriginal people at Kilcoy Station in 1842 and there were attacks on Aboriginal camps at Breakfast Creek in 1860.

The situation was much worse in Tasmania, where an outright guerrilla war took place between Aboriginal people and settlers. In 1830, Governor Arthur tried unsuccessfully to drive all the remaining Aboriginal people in eastern Van Diemen's land on to the Tasman Peninsula.

Even in the later settlement of Western Australia, violent conflict occurred after areas were settled. For example, at the Battle of Pinjarra Governor Stirling led an expedition and opened fire against a group of Indigenous people after they had been involved in conflict with the local settlers.

According to British law, Aboriginal people became British subjects upon settlement. Governor Phillip was instructed to 'open an intercourse with the natives' and ensure their protection. Later on, settlements in South Australia and the Northern Territory were established with similar instructions – protection of Aboriginal people. After all, as British subjects (like the free settlers) they were entitled to equal treatment, at least theoretically.

## The first removals

Apart from this conflict, many Aboriginal children were separated from their families by settlers for use as cheap labour on farms and stations:

**... the greatest advantage of young Aboriginal servants was that they came cheap and were never paid beyond the provision of variable quantities of food and clothing. As a result any European on or near the frontier ... could acquire and maintain a personal servant.**

(Reynolds, Henry, 1990: *With the White People*. p169.)

In 1809, Lachlan Macquarie was appointed Governor. During this time missions and government-run institutions for Indigenous children were started. The first of these, the Native Institution, was funded by Governor Macquarie near Parramatta in 1814. It soon became clear to Aboriginal families that its purpose was to distance children from their families and communities. The school was closed down in 1820.

Major changes came after the *British Select Committee* held its inquiry into the treatment of Indigenous people in Britain's colonies. The report noted the particularly bad treatment of Aboriginal people in Australia. The Committee recommended that a 'protectorate system' be established in the Australian colonies. Under this system, two policies were to be adopted:

- segregation, by creating reserves and relocating Aboriginal communities to them
- education, which should focus on the young and relate to every aspect of their lives.

The system took some time to be adopted in Australia. Victoria was the first colony to do so, with its parliament passing the *Aborigines Protection Act* in 1869 and appointing the Aborigines Protection Board. The Board was responsible for putting the system in place. By 1911, the Northern Territory and every state except Tasmania passed similar laws and appointed similar boards. Most of them also appointed a Chief Protector who was given wide powers to control the lives of Aboriginal people. In some states, including the Northern Territory, the Chief Protector was also made the legal guardian of every Aboriginal child.

The laws essentially gave 'Protectors', who were usually police officers, the power to manage and control the reserves, and to send Aboriginal and Torres Strait Islander children to schools, institutions and missions. In the name of protection, Aboriginal people were subject to near-total control. Their



entry and exit from the reserves was controlled, as was their everyday life on the reserves, their right to marry and their employment.

Tasmania was the exception to this trend. Until the late 1960s, Tasmanian governments insisted that Tasmania did not have an Aboriginal population, just some 'half-caste' people.

## Merging and absorption

**Note: Throughout this section it is necessary in the interests of accuracy to quote the language of the times. Much of this language was and is offensive to Indigenous people. The terms 'full descent' and 'mixed descent' were not used. Instead categories of 'full blood', 'half Caste', 'quadroon' and 'octoroon' were applied.**

By the turn of the century, it became apparent that although the full-descent Aboriginal population was in decline, the mixed-descent or 'half-caste' population was growing. While this concerned many non-Aboriginal people, the government saw new possibilities for addressing the 'Aboriginal problem' in this trend. The problems posed by segregation, such as ongoing hostility, could be solved by merging the mixed-descent population into non-Aboriginal society. Others saw opportunities for biologically controlling the Aboriginal population.

Employment and education were central to merging Aboriginal people, particularly children, into non-Aboriginal society. State and territory governments shifted their policies to both of these, and did so armed with the powers granted by laws under the protectorate system. Under these policies, Aboriginal children could be separated from their families and sent to work for non-Aboriginal people or to schools/missions. At the same time, they were encouraged to give up their Aboriginality.

Governments began to change the protection legislation to suit this policy. The laws not only expanded the powers of 'Protectors', but also changed the definition of 'Aboriginality'. The new definitions drew differences between 'full-bloods' and 'half-castes', and applied laws differently to each group. This allowed the government to divide the groups and order separations and merging. For example, those defined as having a certain amount of European blood were prevented from living on the reserves and forced either to live in camps or in non-Indigenous areas. People within this definition who remained on the reserves were removed.

During the 1920s, every state and territory government opened schools and training institutions. Indigenous children were also sent to missions, usually run by church groups. Many of these institutions were some distance from the reserves, thus further separating children from their families and communities. The children normally lived in dormitories and the education they received covered every aspect of their lives. Indigenous languages and cultural practices were usually forbidden, and the discipline was severe.

Even though governments focused much attention on setting up these schools, they gave them little financial support. Conditions were harsh and the occupants often lacked adequate food, basic facilities and medical treatment. Many institutions were also overcrowded; conditions in the Northern Territory were particularly bad. At The Bungalow, near Alice Springs, 50 children and 10 adults were living in just three exposed sheds. The quality of education was also poor – often it was simply training for manual or domestic labour.

A number of Chief Protectors, such as Dr Cecil Cook (NT) and A.O. Neville (WA), saw in this new policy the possibility of biologically controlling the Indigenous population:

**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.**

(Dr Cecil Cook, as quoted in Hollinsworth, D (1998). *Race and Racism in Australia*.)

While other governments and Chief Protectors did not voice similar opinions, these extreme views provide insight into the possible underlying intentions of the policy in all states and territories. Many practices did target anything that would lead to the continued existence of a 'full-blood' population. For example, young women were the first to be targeted for separation and merging. This was just as much about controlling reproduction as it was about cheap domestic labour.

Despite the force of this new policy, merging failed. While mixed-descent Indigenous children were formally merged into non-Indigenous society, they simply did not 'become white'. On the contrary, those who were merged simply faced extreme disadvantage on two counts. Firstly, by being separated from their families and communities, and secondly, by facing discrimination when they entered non-Indigenous communities. An urban underclass of Indigenous people was also starting to grow in the cities.

## Assimilating Indigenous peoples

In 1937, the first Commonwealth-State Native Welfare Conference was held, attended by representatives from all the states (except Tasmania) and the Northern Territory. This was the first time Indigenous affairs were discussed at a national level.

The discussion was dominated by the Chief Protectors from Western Australia, Queensland and the Northern Territory, each of whom presented quite strong arguments in favour of assimilating Indigenous people into non-Indigenous society. In spite of previous failings of assimilation policies, the Conference agreed that assimilation should be encouraged:

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

(Commonwealth of Australia. 1937.  
*Aboriginal Welfare: Initial Conference of Commonwealth and State Aboriginal Authorities.*  
Canberra: Government Printer.)

In practical terms, this meant another change in laws. After 1940, Indigenous children were governed by the general child welfare laws, which also applied to non-Indigenous children. Under these laws, a child could only be removed if found to be 'neglected', 'destitute' or 'uncontrollable'. These laws appeared to treat all children equally. However, in defining 'neglect', government officials also considered that poverty came into this meaning, thus justifying a ground for separation of Aboriginal and Torres Strait Islander children from their families.

Neglect and destitution were also features of most Indigenous peoples' lives precisely because of the treatment received from a history of colonisation. The application of these general laws only disadvantaged Indigenous people further by not addressing the underlying issues.

Unlike previous policies, this assimilation also meant increased monitoring and surveillance of Indigenous lives. For example, in some states, welfare workers were employed to inspect houses and monitor child attendance at school. These officers also had very close relationships with the police.

Thus, while the new laws promised change, in practice it was more a case of continued discrimination. The same welfare staff and police who had previously separated Indigenous children from their families were now responsible for enforcing the new laws.

During the 1950s and 1960s, even greater numbers of Indigenous children were separated from their families to advance the cause of assimilation. This placed an increasing burden on the schools and institutions, which were receiving even less funding. Child welfare departments responded by placing Indigenous children in foster homes or putting them up for adoption, rather than sending them to institutions. In 1971, for example, more than 97 percent of foster-care children in the Northern Territory were Indigenous.

By the early 1960s, it was clear that Indigenous people were not being assimilated – the policy had failed. Discrimination by non-Indigenous people and the refusal of Indigenous people to surrender their lifestyle and culture were standing in the way.

The promise of change came in 1967, with the successful constitutional referendum. The referendum altered the constitution to remove references to ‘Aboriginal people’ so that all people in Australia were to be subject to the same laws, and Indigenous people would be included in the census. Further, it gave the federal government powers to make laws for Indigenous people. As a result, a National Office of Aboriginal Affairs was established.

## Self-management and self-determination

Article 31 of the Draft Declaration on the Rights of Indigenous Peoples describes Indigenous self-determination in practical terms:

**Indigenous peoples, as a specific form of exercising their right to self-determination, have the right to autonomy or self-government in matters relating to their internal and local affairs, including culture, religion, education, information, media, health, housing, employment, social welfare, economic activities, land and resources management, environment and entry by non-members, as well as ways and means for financing these autonomous functions.**

In this context, self-determination is about achieving the full and effective participation of Indigenous peoples in Australian society. This involves recognition of the cultural distinctiveness and diversity of Indigenous people. Recognition of Indigenous customary law and practices is also a vital part of this push for self-determination.

By the early 1970s Indigenous people were working with some non-Indigenous people to lobby and protest to government for land rights, cultural property rights, recognition of disadvantage suffered from colonisation including the taking away of Indigenous children and a range of other social justice issues. The importance of self-determination was viewed by Indigenous people as essential to the full realisation of human rights.

Historically, the term self-determination was first applied to Indigenous policy by the incoming Whitlam Government in 1972. It replaced the by then largely discredited policy of assimilation, and included plans to address the very high rates of separation of Aboriginal and Torres Strait Islander children from their families.

The Fraser Government from 1975 retreated somewhat from the rhetoric of self-determination in Australian Indigenous policy, preferring instead the term ‘self-management’. The retreat was, however, largely symbolic as it overlaid a continuity of institutional development and reform of Indigenous policy and programs, most notably in the development of Indigenous community organisations and through the introduction of land rights legislation in the Northern Territory. In the same year, the federal government passed the Racial Discrimination Act. This law made discrimination on the basis of race unlawful.

State and territory governments were also under pressure from Indigenous people and the federal government to bring about change to the way Indigenous children were cared for in state and church run institutions.

At the first Australian Conference on Adoption in 1976, a policy based on self-management and Indigenous control was spelt out. The attention of child welfare workers was directed to the large numbers of Indigenous children who were placed with non-Indigenous families.

For the Aboriginal child growing up in a racist society, what is most needed is a supportive environment where a child can identify as an Aboriginal and get emotional support from other blacks. The supportive environment that blacks provide cannot be assessed by whites and is not quantifiable or laid down in terms of neat identifiable criteria ...

Aboriginal people maintain that they are uniquely qualified to provide assistance in the care of children. They have experienced racism, conflicts in identity between blacks and whites and have an understanding of Aboriginal lifestyles.

The Hawke and Keating governments both used the term self-determination almost interchangeably with that of self-management through the 1980's and early 1990's. The continued activism of Indigenous communities and growing awareness among welfare workers led to further changes in government practices. In 1980, Link-Up (NSW) Aboriginal Corporation was established. The service traced family movements and reunited Indigenous children with their families. Similar services now exist in every state and territory.

In 1981 the Secretariat of the National Aboriginal and Islander Child Care (SNAICC) was established. SNAICC represented the interests at a national level of Australia's one hundred or so Indigenous community-controlled children's services.

In 1983, the Aboriginal Child Placement Principle was developed and introduced into Northern Territory law. The basic requirement of this Principle was that Indigenous families must be the preferred option for placing an Indigenous child in need of alternative care. New South Wales, South Australia, Victoria and Tasmania followed this lead. The Principle was also informally introduced in Western Australia and Queensland.

In the 1990s, a number of significant changes to the way Indigenous people were viewed by non-Indigenous people took place. The most significant of these were:

- the establishment of the Council for Aboriginal Reconciliation by law of the federal Parliament in 1990
- the findings of the Royal Commission into Aboriginal Deaths in Custody in 1991
- the decision of the High Court in *Mabo v Queensland* in 1992
- the *Native Title Act* passed by the federal government in 1993
- the establishment of the National Inquiry Into the Separation of Aboriginal and Torres Strait Islander Children from Their Families in 1995
- the High Court *Wik* decision in 1996
- the then Human Rights and Equal Opportunity Commission presents *Bringing them home* – the Report of the National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from Their Families presented to Federal Parliament in 1997
- the introduction of the *Native Title Amendment Act (Cth)* in 1998
- the People's Walk for Reconciliation in 2000.

## *Bringing them home* report

Throughout these reforms, Indigenous people also pushed strongly for recognition of the policies and practices that authorised the removal of Aboriginal and Torres Strait Islander children from their families since colonisation. Their lobbying and activism placed the issue on the agenda.

In 1995, the then Human Rights and Equal Opportunity Commission was asked by the federal government to conduct a National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from Their families. Two years later, the Commission handed down its landmark report called *Bringing them home*.

The report was a detailed national summary of the history of separations. It expressed difficulty in being able to come up with a definite figure for the number of Indigenous children separated from their families; but did estimate that between one in three and one in ten Indigenous children were separated from their families and communities between 1910 and 1970. This figure does not account for separations before 1910.

Most importantly, it found that most families had been affected, in one or more generations, by government policies and laws requiring the separation of Aboriginal and Torres Strait Islander children from their families.

## Links

- *Bringing them home* report: <http://www.austlii.edu.au/au/special/rsjproject/rsjlibrary/hreoc/stolen/>
- *Bringing them home* Community Guide: [http://www.austlii.edu.au/au/special/rsjproject/rsjlibrary/hreoc/stolen\\_summary/](http://www.austlii.edu.au/au/special/rsjproject/rsjlibrary/hreoc/stolen_summary/)
- *Social Justice Report 2002* – Chapter 2: Self Determination: [http://www.humanrights.gov.au/social\\_justice/sjreport02/chapter2.html](http://www.humanrights.gov.au/social_justice/sjreport02/chapter2.html)
- Australian Museum Online Indigenous Australia: <http://www.dreamtime.net.au>

## 6.

## Australia – a national overview

## Note taking activity sheet

In this activity, you will be exploring the historical context of the separation of Aboriginal and Torres Strait Islander children from their families and the laws that allowed those separations to occur.

## Part A

Read the *Australia – a national overview resource sheet*. While you are reading, make three dot points under each of the following headings:

## Unoccupied land

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## Early colonisation

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The first laws which allowed for the separation of Aboriginal and Torres Strait Islander children from their families

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The rationale behind the assimilation of Indigenous people

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Self-management and self-determination

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The *Bringing them home Report* and its findings

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## 7.

## Using sources

## Quotes resource sheet

All the teachings that we received from our [foster] family when we were little, [were] that black people were bad ... I wanted my skin to be white.

(Confidential evidence 132, Victoria *Bringing them home* report)

We have power to deal with people of any race within our borders, except the aboriginal inhabitants of the continent, who remain under the custody of the States. There is that single exception of a dying race; and if they be a dying race, let us hope that in their last hours they will be able to recognise not simply the justice, but the generosity of the treatment which the white race, who are dispossessing them and entering into their heritage, are according them.

*Attorney General Alfred Deakin, 1901*

Genocide includes 'forcibly transferring children of the group to another group' committed 'with intent to destroy, in whole or in part, a national, ethnical, racial or religious group'.

*UN Convention on the Prevention and Punishment of the Crime of Genocide, 1948*

The consequence of [Indigenous people's] history is the partial destruction of Aboriginal culture and a large part of the Aboriginal population, and also disadvantage and inequality of Aboriginal people in all the areas of social life where comparison is possible between Aboriginal and non-Aboriginal people ... this legacy of history goes far to explain the over-representation of Aboriginal people in custody, and thereby the death of some of them.

*Royal Commission into Aboriginal Deaths in Custody, Volume 1.4.19*

Several indicators of Indigenous well-being and involvement have seen a reversal in recent years. There are now fewer Aboriginal people at university than there were five years ago, and fewer Aboriginal people in the public service than a decade ago.

*Statement by former Prime Minister Malcolm Fraser, 2005*

In 2003, the infant mortality rate for Aboriginal and Torres Strait Islander infants was recorded as three times that of non-Indigenous infants. In 2004 it was found that Aboriginal and Torres Strait Islanders were up to twice as likely to be hospitalised for mental and behavioural disorders as non-Indigenous Australians. In 2005, two thirds of Indigenous Australians were reported to have a long-term health condition, and one in three had vision problems.

*Speech by Aboriginal and Torres Strait Islander Social Justice Commissioner, Tom Calma, 2007*

I hated white people with a passion because of this. I actually tried to bleach my skin when I was in grade 3 because being black meant too much pain. When I reached 16-17 years of age, I gave up. I found a sense of belonging in alcohol, drugs, violence and gambling, and having no self-respect for myself. It was my 'pit' for years until I reached a point where I didn't want to live any more. I was prepared to take my life. I wanted to die.

*Speech of Christine Jacobs, 'Stolen Generations' survivor, 2005*





## Focus questions

Why is it useful to refer to a variety of sources to understand the events of the past?

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Draw a spider diagram showing the range of people involved in the separation of Aboriginal and Torres Strait Islander Children from their families.

## 7.

## Using sources

## Statistics activity sheet

The following statistics arise from a number of different reports, which were written at different times and about different groups of people. They are not necessarily representative of national statistics.

**38% of Indigenous people were forcibly removed themselves and/or had relatives who, as a child, had been forcibly or otherwise removed from their natural family.**

*National Aboriginal and Torres Strait Islander Social Survey 2002*

**Over 50% of respondents who gave evidence to the Bringing them home Inquiry were five years or younger when they were removed from their families.**

*Bringing them home report, page 182*

**The children of members of the 'Stolen Generations' are twice as likely to have emotional and behavioural problems, to be at high risk for hyperactivity, emotional and conduct disorders, and twice as likely to abuse alcohol and drugs.**

*Western Australian Aboriginal Child Health Survey 2001–02*

**Indigenous people in Australia are almost one and a half times more likely to have a disability or long-term health condition than non-Indigenous people.**

*National Aboriginal and Torres Strait Islander Social Survey, 2002*

**21.5% of Indigenous children under 12 experienced racism in the previous six months.**

*Western Australian Aboriginal Child Health Survey 2001–02*

## Focus questions

1. What do these statistics suggest were the effects of the removal of Indigenous children from their families?

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2. What conclusions can we draw from these statements/statistics?

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3. What other information would be useful to assess the impact of the policies of removal of Indigenous children from their families?

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4. What problems might arise in collecting that information?

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## 7.

## Using sources

**Stolen Generation compensation long overdue****Thursday, 2 August 2007****Human Rights and Equal Opportunity Commission  
(now the Australian Human Rights Commission)**

Aboriginal and Torres Strait Islander Social Justice Commissioner Tom Calma has warmly congratulated Bruce Trevorrow on being the first person from the Stolen Generations to secure compensation after a long hard struggle through the courts.

“Mr Trevorrow’s win in South Australia represents a watershed moment for all members of the Stolen Generation. It sends a powerful message to other states and territories that compensation is rightfully owed to the victims of these policies which were in place across Australia for most of the 20<sup>th</sup> century, and impacted badly on generations of Indigenous Australians,” Mr Calma said.

“The significant size of Mr Trevorrow’s compensation appropriately recognises the seriousness of the harm and suffering these removal policies caused – no matter how well intentioned they may have been.

“The fact that Mr Trevorrow was the only child to be removed from his family allows us to make the stark comparison between his tragic life history of lost identity and opportunity, with that of his siblings. It is also a poignant reminder of the arbitrary way in which governments implemented their child removal policies.”

Last year Commissioner Calma congratulated Tasmania for being the first jurisdiction in Australia to legislate to provide compensation to the Stolen Generations and their families. It legislated to create a \$5 million fund to provide payments to eligible members of the Stolen Generations and their children.

“The Tasmanian Government’s actions put out the challenge to other governments across the country to follow suit – to deal with this aspect of Australia’s unfinished business in a fair and just manner,” Mr Calma said.

HREOC’s 1997 *Bringing them home* Report found that the forcible removal of Indigenous children was a gross violation of their human rights. It recommended that a national compensation fund be established so people would not have to go to the courts to be compensated for the wrongs done to them.

In this, the 10th anniversary year of the release of the Report, HREOC reiterates its call for reparations and compensation to the Stolen Generations and their families.

“I would urge the Ministerial Council for Aboriginal and Torres Strait Islander Affairs (MCATSIA) to continue its work monitoring and reporting on the implementation of the report’s recommendations and to collegiately establish a national reparations and compensation scheme,” Mr Calma said.

“Australian governments have cherry-picked recommendations from the Report, but we are still waiting for an accessible, fair and just national compensation scheme, as well as the all-important, and long-overdue, national apology from the Australian Parliament.”

## Focus questions

1. Is Mr Treverrow's case the first case in regards to forced removals to be heard in Australian courts?

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2. Does the outcome of this case mean that Aboriginal people who were forcibly removed as children will be compensated in South Australia? Why/ Why not?

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3. Were the laws around removal of Aboriginal children the same or different in the various states and territories of Australia? (You may need to research this answer).

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## 7.

## Using sources

## Local history project activity sheet

In this activity, you will research and investigate the history of the separation of Aboriginal and Torres Strait Islander children from their families in your local area. Teachers may wish to arrange with local elders or Land Council representatives to come into the classroom and talk to students about local Aboriginal communities and the Stolen Generation.

To discover more about your local history, you can use a range of different information sources.

### 1. Getting started

The aim of your research is to find out about what has happened in your area to see how national and state processes impact on local spaces. Do a brief search on the internet for some information on your area and its history. You should explore the early history of your area – when was it discovered/established; who are the important historical figures; who were/are the local Indigenous people?

After finding out the name of the local Indigenous people in your area, use a search engine to see if any information is available online.

### 2. Beginning the research

The next step is to do the research. The internet is a starting place for research, putting you in connection with a range of information on a wide range of issues. However, it is important to remember to look at a range of different resources when researching to ensure that you get information from a range of perspectives and sources.

You could go to any of the following places to find out more about your area:

- school library/local library
- local history societies
- local government archives
- local Aboriginal Land Council, or Aboriginal Community Council
- Aboriginal language centres
- Local Aboriginal co-operations and housing organisations
- Local Indigenous organisations
- local press
- Indigenous newspapers such as Koori Mail, National Indigenous Times, Land Rights News
- church archives
- Link – Up groups

Be creative with what kind of information you get. Often, pictures and music can be just as informative and revealing. As you go along, keep track of what you do and where you go. Keep a log of what material you have read and, if possible, make copies of any images or important bits of information.

### Where to look?

Government archives could help you out with information about your area. For instance, the National Archives have begun an indexing project based on recommendations from the *Bringing them home* report.

The indexing project involves the identification and preservation of Commonwealth records relating to Indigenous people and communities. There is an index to the names of Indigenous people contained in the records. The name index contains:

- names of Indigenous people
- names of non-Indigenous people including relatives, missionaries, police, patrol officers and teachers who were associated with Indigenous people, and
- names of missions and institutions where Indigenous people were placed.

The indexing project covers records held by the National Archives in Canberra and Darwin – primarily concerning Northern Territory Indigenous peoples. The index also contains some entries about Indigenous people from other states. To make an enquiry about a particular person or institution, you can contact the National Archives by email or if you live nearby drop in.

For more information on the resources you can access via National Archives check out:  
[http://www.naa.gov.au/Publications/fact\\_sheets/FS169.html](http://www.naa.gov.au/Publications/fact_sheets/FS169.html).

You can contact National Archives via the details below:

### National Archives

Queen Victoria Terrace Parkes ACT 2600  
 Tel: 02 6212 3600  
 Fax: 02 6212 3999  
 Email: [archives@naa.gov.au](mailto:archives@naa.gov.au)  
 Web: <http://www.naa.gov.au/>

### State archives

State archives are also good sources of information. You can contact your state archives via the contact details below.

#### ACT Government Territory Records Office

Customer Services and Information  
 GPO Box 158  
 Canberra ACT 2601  
 Tel: 02 6207 0194  
 Email: [david.wardle@act.gov.au](mailto:david.wardle@act.gov.au)  
 Web: <http://www.territoryrecords.act.gov.au/>

#### State Records of NSW

PO Box 516  
 Kingswood NSW 2747  
 Tel: 02 9673 1788  
 Fax: 02 9833 4518  
 Email: [srecords@records.nsw.gov.au](mailto:srecords@records.nsw.gov.au)  
 Web: <http://www.records.nsw.gov.au/>

#### Northern Territory Archives Service

2nd Floor  
 25 Cavenagh Street  
 Darwin NT 0800  
 Tel: (08) 8924 7677.  
 Fax: (08) 8924 7660.  
 Email: [nt.archives@nt.gov.au](mailto:nt.archives@nt.gov.au)  
 Web: <http://www.nt.gov.au/dcis/nta/>

#### Queensland State Archives

435 Compton Road  
 Runcorn  
 QLD 4113  
 Tel: (07) 3131 7777  
 Fax: (07) 3131 7764  
 Email: [info@archives.qld.gov.au](mailto:info@archives.qld.gov.au)  
 Web: <http://www.archives.qld.gov.au/>

#### State Records of South Australia

GPO Box 1072  
 Adelaide SA 5001  
 Tel: (08) 8204 8773  
 Fax: (08) 8204 8777  
 Email: [srsarecordsmanagement@saug.sa.gov.au](mailto:srsarecordsmanagement@saug.sa.gov.au)  
 Web: <http://www.archives.sa.gov.au/>

#### Archives Office of Tasmania

77 Murray Street  
 Hobart Tasmania 7000  
 Tel: 03 6233 7488  
 Fax: 03 6233 7471  
 Email: [archives.tasmania@education.tas.gov.au](mailto:archives.tasmania@education.tas.gov.au)  
 Web: <http://www.archives.tas.gov.au/>

**Public Record Office, Victoria**

Level 2, Casselden Place,  
2 Lonsdale Street, Melbourne 3000.  
Tel: (03) 9348 5600  
Fax: (03) 93485656  
Email: [prov.agency.queries@dpc.vic.gov.au](mailto:prov.agency.queries@dpc.vic.gov.au)  
Web: <http://www.prov.vic.gov.au/>

**State Records Office of Western Australia**

Alexander Library Building  
James Street West Entrance  
Perth Cultural Centre  
Perth WA 6000  
Tel: (08) 9427 3360  
Fax: (08) 9427 3368  
Email: [sro@sro.wa.gov.au](mailto:sro@sro.wa.gov.au)  
Web: <http://www.sro.wa.gov.au/>

### National Library's Oral History Project – *Many Voices: Reflections on experiences of Indigenous child separation*

Since 1998, the National Library of Australia, with funding from the federal government, has been recording narratives about the separation of children from their families. Indigenous community members, those who fostered or adopted children, policy makers, administrators, and others have shared their individual experiences.

*Many Voices: Reflections on experiences of Indigenous child separation*, explores the oral histories of individuals involved in the separation of Aboriginal and Torres Strait Islander children from their families. It has recently been released by the National Library of Australia and includes a CD with sound recordings of some of the stories included in the book.

For more information about the National Library's Oral History Project visit: <http://www.nla.gov.au/oh/bth/>

Aboriginal history organisations:

- Koorie Heritage Trust (Southern Australia)
- AIATSIS (Australian Institute of Aboriginal and Torres Strait Islander Studies)
- Indigenous Educational Institutions – (eg. Tramby, Tandanya)

Stolen Generation organisations:

- Link-Ups
- Sorry Day Committee
- Stolen Generation Alliance

## 3. Organising information

After you have made some decisions about your presentation it is time to organise the information you have discovered.

A good way of doing this is breaking it up using the basic questions we all ask in research: when, where, what, why, who and how.

Use the table below to organise your notes.

Questions	Your notes
<p><b>When?</b></p> <ul style="list-style-type: none"> <li>• When did colonisation begin?</li> <li>• When was your town/suburb established?</li> </ul>	
<p><b>What happened?</b></p> <ul style="list-style-type: none"> <li>• What is the name of the Indigenous people concerned?</li> <li>• What are the basic facts/stories?</li> <li>• Are there differences of opinion?</li> <li>• If so, what are these?</li> </ul>	
<p><b>Who?</b></p> <ul style="list-style-type: none"> <li>• Who was the first European to arrive in your area?</li> <li>• Who did it affect?</li> <li>• What people were involved?</li> </ul>	
<p><b>Why?</b></p> <ul style="list-style-type: none"> <li>• Why were Indigenous children removed?</li> <li>• Are there differences of opinion?</li> <li>• If so, what are they?</li> </ul>	
<p><b>Other information</b></p> <p>(this is where you write in information that may not relate to the questions, but that you still think is important)</p>	





## 4. Presenting your research

One of the main reasons people do research is to inform the 'audience' (a group of target readers/listeners).

Clear, well documented presentation is essential for the audience to understand the information you have collected.

To present your research you could:

- write a research report
- make a video presentation
- write a song or play
- create an artwork – painting, sculpture, photographs or drawings or organise an exhibition
- write a story for publication in your local newspaper.

Discuss what format you will use to present your research with your teacher.

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# New South Wales and the Australian Capital Territory

## The History

**Note: This overview is based primarily on the *Bringing them home* report and provides a background to the policies and practices that authorised the removal of Aboriginal and Torres Strait Islander children from their families. It is not intended to be used as a comprehensive historical document.**

### The First Fleet and settlement

The arrival of the First Fleet in 1788 led to immediate conflict between the colonisers and Indigenous people.

Indigenous communities who lived in the areas near the early settlement were forced back into the territories of other communities. They protested against the colonial land claims and development. Indigenous people in the area soon resorted to guerrilla warfare, plundering crops, burning huts and driving away stock. The British responded by carrying out expeditions that saw many Indigenous people killed indiscriminately.

The colonial government initially attempted to 'civilise' Indigenous people and integrate them into colonial society. In 1814, Governor Macquarie set up the 'Native Institution' at Parramatta for this purpose. Missionaries also set up institutions to encourage Indigenous people to study the Bible. These educational strategies failed because they were of no value to Indigenous people and many saw the institutions as a means of removing their children. By 1820, the 'Native Institution' was closed down.

The missionaries thought the creation of reserves would be a solution, and called on the government to set them up. In agreement, the government set up reserves at Maloga and Warangesda. In 1883, the Aboriginal Protection Board was established to manage the reserves and control the lives of 9,000 Indigenous people estimated to be in NSW at that time.

There were two types of reserves. 'Managed reserves', also called stations, were usually run by a manager and provided education, rations and housing. 'Unmanaged reserves' were under police control and only provided rations. Most of the reserves were quite small, with scattered housing. As the settlement grew, reserves were created across NSW and people were relocated to them.

### The first removals

By the 1890s, the *Aboriginal Protection Board* developed a policy of segregation. Armed with growing legal control over the lives of Indigenous people, the Board sought to remove children of 'mixed-descent' from their families. These children were later to be merged into the non-Indigenous population.

This policy was based on the idea that children could be 'socialised as Whites' and that 'Aboriginal blood' could be bred out. The authorities believed that if the number of 'half-castes' was growing in comparison to 'full-bloods', then gradually they would biologically assimilate into European society. This could only be achieved by separating 'full-bloods' from 'half-castes'.

The first homes were built for young Indigenous women, such as the one at Warangesda station built in 1893. Some 300 Indigenous women were removed from their families and housed at this station alone between 1893 and 1909. The Board relied on persuasion such as offering free rail tickets, and threats to remove the children.

In 1909, this legal power was granted. The *Aborigines Protection Act 1909* gave the Board power 'to assume full control and custody of the child of any aborigine' if the court found the child to be neglected. It also allowed the Board to send Indigenous children aged between 14 and 18 years to work.

Given the ACT's location in regional NSW and the continuation of NSW administration, there was no real distinction between the ACT and the rest of NSW. The few Indigenous children who lived in the ACT also came under the control of the NSW Protection Board.

Five years later, the Board told all station managers that all 'mixed-descent' boys over 14 years must leave the stations to work. Girls over 14 years either had to work or be sent to the Cootamundra Training Home where they were trained in domestic services.

Even so, it was still difficult to implement the separation policy. For children under 14 years, the Board had to prove to a court that the child was neglected before they could be removed. This process often took a long time; often long enough for the family to leave the reserve or move to Victoria. The Board requested extended powers.

These were granted in 1915. Under these laws, the Board now had total power to separate children from their families without having to prove the child was neglected. In fact, no court hearings were necessary. The manager of an Aboriginal station or a policeman on a reserve or in a town could also order removal. The only way a parent could prevent the removal was to appeal to court.

A number of politicians strongly opposed this new law. The Hon P. McGarry said the laws allowed the Board 'to steal the children away from their parents'. Another referred to the laws as the 'reintroduction of slavery in NSW'.

## Increased control and the institutions

As the non-Indigenous population of New South Wales increased, so too did the demand for land. Soldiers returning from fighting in World War I were granted a block of farming land in return for their services.

From 1917, the land problem was solved by targeting the Aboriginal reserves. Indigenous communities were forced to move onto other reserves. Many Indigenous people just chose to move to the major towns, where they could also find work. Families who refused to move from a reserve were threatened with the removal of their children.

Of course, this meant many families moved from reserve to reserve, or simply had no stable place to live. Many were living in quite poor and inadequate conditions as a result of relocating. Thus, their children were living in conditions of neglect, allowing for their later removal when the Board's control was weakened in the 1940s.

The Board still had total control over the removal of children. However, it was starting to face severe financial pressures. The government responded by narrowing the legal definition of 'aboriginal'. Any Indigenous child who did not fall within this definition was not permitted to stay on the reserves with their families.

**... quadroons [one-quarter Indigenous] and octoroons [one-eighth Indigenous] will be merged in the white population, and the camps will merely contain the full-blooded aborigines and their descendants ... By this means, considerable savings will be effected in the expenditure of the Aboriginal Protection Board ...**

quoted in the NSW Government's submission to the *Bringing them home* Inquiry.

Even though they were taken away from the reserves, these 'lesser caste' children were still under the Board's control. The Board intended to fully assimilate these children into the non-Indigenous community. The training institutions, homes, and industrial and reformatory schools were an important part of this assimilation process.

Opened in 1911, the Cootamundra Domestic Training Home for Aboriginal Girls was one of the main institutions. Girls were sent there until the age of 14 and then sent out to work. During the 1920s, in any one year, between 300 and 400 Aboriginal girls went to homes like this one.

The Kinchela Training Institution for Aboriginal Boys opened in 1918, and moved to Kempsey in 1924. The United Aborigines Mission home at Bomaderry housed younger children and babies. The Board regularly received complaints about the conditions in these institutions.

## Welfare as assimilation

In 1937, the state governments met with the federal government to discuss a national assimilation policy. The NSW Government responded by replacing the Aboriginal Protection Board with the Aboriginal Welfare Board. Assimilation would now take place under welfare laws.

The powers of the new Board were not as strong. The Children's Court had to be satisfied that a child was 'neglected' or 'uncontrollable' before being removed. Parents also had greater rights of appeal. The new Board also took responsibility for the placement of children from the ACT.

'Neglect' was defined to include destitution and poverty. These were constant features of most Indigenous peoples' lives, resulting from a history of colonisation. Aspects of Aboriginal lifestyle would also be interpreted by non-Indigenous people as destitute or poor. The idea of neglect carried with it assumptions about this lifestyle.

There were also other problems with this new approach:

- Since most children's courts were located far from most Indigenous communities, and because parents had limited legal assistance, appealing against decisions was near impossible for most parents.
- It was still an offence for an Indigenous child to leave his/her employment or a home.
- The parents were still prevented from contacting their children in homes and institutions.
- Parents were often persuaded to consent to their child being taken away because it meant the Board did not have to prove neglect.

It was not long before the new Board faced the same financial problems as the old one. The institutions and homes were very costly to run, especially as the Indigenous population increased. During the 1940s and 1950s, fostering and adoption became a more economic solution.

Working with the Child Welfare Department, the Board started placing the Indigenous children under its care in foster homes. A child's skin colour often determined where the child was placed. The lighter the skin, the more likely the child was to be fostered to non-Indigenous parents than placed in a home.

By 1958, 116 Indigenous children had been fostered, 90 of them with non-Indigenous families. In 1960, more than 300 Indigenous children were in foster homes in NSW. Adoption was also used in the case of babies and much younger children.

In 1968 responsibility for placing Indigenous children in the ACT was transferred to the Commonwealth Department of the Interior. This change marked an important shift in the policy for foster care. Previously children from the ACT had been placed with unrelated families in NSW, leading to restricted contact with their natural family. This meant that these placements in effect often became pseudo-adoptions. After 1968, the practice of Commonwealth departments was to place children in residential care in the ACT and attempt to reunite them with their families.

When the Aborigines' Welfare Board was abolished in 1969, more than a thousand Indigenous children were living in homes, institutions or with foster parents. Almost none of them were being raised by other Indigenous people, let alone by their own families.

## Towards self-management

From the mid-1970s, the NSW Government began involving Indigenous workers in the process of removing and placing Indigenous children. This was the beginning of a shift towards Indigenous people being involved in decisions that affected the lives of their children.

In 1987, the NSW Government adopted the Aboriginal Child Placement Principle. Under this, an Indigenous family must be the preferred placement for an Indigenous child in need of alternative care. This is now included in the main child welfare laws.

Following the implementation of self-government in 1989, responsibility for the placement of Indigenous children in the ACT passed to the ACT Department of Family Services.

## Links

- Significant Aboriginal Events in Sydney – from the ‘Barani’ Website:  
<http://www.cityofsydney.nsw.gov.au/barani/themes/theme6.htm>
- History of the Worimi People NSW – from Tobwabba Art Online:  
<http://www.tobwabba.com.au/worimi/>

# Northern Territory

**Note:** This overview is based primarily on the *Bringing them home* report and provides a background to the policies and practices that authorised the removal of Aboriginal and Torres Strait Islander children from their families. It is not intended to be used as a comprehensive historical document.

## Occupation of the Territory

The north coast of Australia was proclaimed a British possession for King George IV in 1824. A settlement at Fort Dundas on Melville Island soon followed. Two further settlements were set up at Fort Wellington (1829) and Port Essington (1849). These early attempts at settlement in the Northern Territory were short-lived. Illness, geographic isolation and the lack of trade prevented any growth.

In 1862, the South Australian Government supported an expedition by John Stuart to gain control of territories in the north. While the first settlement at Escape Cliffs met the same fate as previous settlements, a successful site was established at Port Darwin in 1869.

Very soon explorers such as Leichhardt and Giles trekked across the Territory in earnest. This exploration revealed the great wealth of natural resources in the Northern Territory that would bring a flood of mining companies, pastoralists and gold diggers. By the late 1880s most lands were occupied for some kind of development, much of it by large companies.

The occupation and exploitation of land in the Northern Territory was achieved by dispossessing another community – Indigenous people. Forced off their land, Indigenous people moved to work on farm stations or in the mines (with Chinese immigrants). The farm stations were particularly dependent on Indigenous labour, but paid barely subsistence wages in the knowledge that Indigenous people had few other choices.

Other Indigenous people set up camps on the outskirts of non-Indigenous townships.

The rapid pace of development and non-Indigenous expansion gave rise to violence on both sides. The police, played a strong role in controlling this violence, though usually by taking the side of the non-Indigenous developers.

Unlike other settlements in Australia at the time, the difficulties in accessing the region effectively deterred the establishment of missions in the Northern Territory. The Hermannsburg Mission was not founded until 1877. Shortly after arriving, these Lutheran missionaries rounded up Indigenous children for schooling, using rations as persuasion.

## Segregation of 'half-castes'

The growing number of mixed-descent children in the Northern Territory and the sexual exploitation of young Indigenous women by non-Indigenous men began to cause public concern. The government's immediate response was to take these children away from the communities in which they were living and place them in the care of missions. This was the first step in legal segregation of Indigenous people based on whether they were 'full-bloods' or of mixed descent.

By 1909, the 'half-caste' population was estimated at 200. The significant number of mixed-descent children since settlement was due to the few non-Indigenous women living there. However, it was not until this period that non-Indigenous people feared being out-numbered by a mixed-descent population. For the government, the answer lay in a policy of segregation through reserves and compounds.

In 1910, the *Northern Territory Aboriginals Act 1906* was passed, establishing the Northern Territory Aboriginals Department. The Chief Protector, a position created under the law, was appointed the 'legal guardian of every Aboriginal and every half-caste child up to the age of 18 years'. When the

Commonwealth took control over the Territory in 1910, it confirmed these laws. This would provide the means through which segregation could be legally achieved.

In town areas, compounds were established to contain all Indigenous people. They were required to undertake farming to make their compound self-sufficient. The first of these, the Kahlin Compound, was set up outside Darwin in 1913. Those living in rural areas were removed to stations, which were under the control of a Superintendent. Similarly, they were trained in industrial and farm work.

In 1918, the Chief Protector's powers were extended. Under the *Aborigines Ordinance 1918*, all Indigenous females (regardless of age) were under the total control of the Chief Protector unless they were married and living with a husband 'who is substantially of European origin'. To marry a non-Indigenous man they had to obtain the Chief Protector's permission.

During the 1920s, the pace of removals increased rapidly. An immediate result of this was severe overcrowding in places already in poor condition. Overcrowding was a particular problem at the Kahlin Compound and The Bungalow (near Alice Springs).

The Methodist Missionary Society offered to relocate the children living on the Kahlin Compound to a mission on Goulbourn Island. The proposal was declined because it threatened the availability of cheap domestic labour from the Compound. Instead, in 1924, a new building was occupied next door for the girls and younger boys. It was known as the Half-Caste Home.

Within four years, the Half-Caste Home had also reached critical overcrowding levels, with 76 inmates living in a house large enough for one family. In 1931, the boys were moved south to Pine Creek.

Meanwhile, at The Bungalow, 50 children and 10 adults were living in three exposed sheds. Referring to conditions at The Bungalow, a newspaper gave the following report in 1924:

**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 lives and souls.**

When conditions there reached crisis point in 1928, the children were moved to a temporary home at Jay Creek. This 'home' consisted of a corrugated iron shed and two tents for staff. The children suffered from a severe water shortage, extreme cold in the winter and lack of protection from the rain when it came.

In spite of these conditions, 132 children were again living at The Bungalow by 1935.

## Chief Protector Cook

In 1927, the Commonwealth Government set up an inquiry into Indigenous affairs in the Northern Territory. The inquiry was led by J.W. Bleakley, the Queensland Chief Protector of Aborigines. In his report, Bleakley estimated the Territory's Indigenous population to be 21 000, of which 8 000 were 'half-castes'. He also found that many Indigenous people were not being paid wages, living conditions were appalling and that government-run institutions 'were badly situated, inadequately financed and insufficiently supervised'.

Bleakley recommended that missions be given responsibility for Indigenous children. By the early 1930s, there were seven missions operating in the Northern Territory, mostly in the north. The brutality experienced by Indigenous people meant that the missions were often the only place of safety.

Even so, the missions were in poor condition, and disease was widespread. At the Hermannsburg Mission, many children died from whooping cough in the late 1920s. At a mission on Groote Eylandt, almost 50 percent of one generation of mixed-descent children suffered from leprosy. The government provided little financial support to the missions to overcome these conditions.



When Dr Cecil Cook was appointed Chief Protector in 1927, he was wholly unsupportive of the missions. This was partly because of the poor conditions. More importantly, Cook had a similar vision of assimilation as West Australian Chief Protector A.O. Neville. Cook supported biological assimilation.

**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.**

Genetics and breeding out 'race' was Cook's key to assimilation. The missions, who were more concerned with education and protection, threatened his vision. Instead, Cook relied on the compounds and homes as a means of segregating and controlling the development of Indigenous children.

Cook's vision, however, ignored the critical and dire state of these compounds and homes. Conditions at Temple Bar, the Half-Caste Home and The Bungalow had not improved. Cook was forced to admit to the situation when complaints were presented about these homes to the Commonwealth-State Conference on Indigenous Affairs in 1937.

Even so, he continued to defend his policy. Cook argued that 'everything necessary [must be done] to convert the half-caste into a white citizen'.

## The 'New Deal' and World War II

In 1937, John McEwan was appointed federal Minister for the Interior. His responsibilities included Indigenous affairs. Soon after being appointed, he visited The Bungalow and Half-Caste Home and was shocked by conditions at both homes. *"I know many stock breeders who would not dream of crowding their stock in the way that these half-caste children are huddled"*, he said.

In response to this, McEwan announced the 'New Deal' policy in 1939 – it was based on assimilation through education and employment. This new policy replaced Cook's vision of biological assimilation. One of the first priorities was the education of 'half-castes' to the 'full white standard'. Children of mixed descent were to be removed to government institutions where they would be given care and education up to a certain age. The missions would also receive greater financial support from the government. Also, the Bagot Aboriginal Reserve was opened in Darwin.

However, these plans were cut short in February 1942 with the bombing of Darwin by Japanese forces in World War II. The bombing forced the evacuation of missions and reserves, with the children being sent to homes and institutions in South Australia, New South Wales and Victoria.

After the war, the forcible removal of Indigenous children continued. Patrol officers and police were required to report on the presence of mixed-descent children living in Indigenous communities, and make plans for their removal to settlements and missions.

In 1949, one of the patrol officers made an official protest against these removals. This, combined with protests from the Aborigines Advancement League, led to significant debate in government circles. While the Director of Native Affairs (who replaced the Chief Protector) argued that the removals were necessary, the age range of children who could be removed was narrowed down significantly.

## Assimilation through welfare

The introduction of the *Welfare Ordinance 1953* signalled a movement towards assimilation through general child welfare laws.

Indigenous and non-Indigenous children were now covered by the same law. Those under government control were called 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 personal care'. People who were made wards were denied the most basic human rights concerning their person and property.

Many non-Indigenous people expressed concern about this new law, fearing their children would be removed. In response, the terms were narrowed so that only those who had no voting rights could be made wards. At this stage, most Indigenous people could not vote. Further, the lack of proper housing and welfare benefits directed to Indigenous people meant they were more likely to fall within the definition of a ward.

Gradually, the government began to move away from removing children to institutions and missions. In 1955, it decided that Indigenous children should ideally be transferred to one of the southern states where conditions in the institutions and homes were much better. This scheme began in 1956, and within four years 63 children had been relocated to the southern states.

Towards the end of the 1960s, children were increasingly placed into foster care instead of institutions and homes, which were quickly closing down. In 1971, 97 percent of Territory children in foster care were Indigenous.

## Towards self-management

The assimilation policy was formally abolished by the Commonwealth Government in 1973, in favour of self-management by Indigenous people.

In 1979, an independent community-controlled child-care agency was established. Karu, the new agency, received financial support to recruit Indigenous foster parents, and reunite Indigenous children and families. By this time, there was a marked decrease in the number of Indigenous children taken into government care.

The Northern Territory was the first to adopt the Aboriginal Child Placement Principle when it did so under the *Community Welfare Act 1983*. Under this, an Indigenous family must be the preferred placement for an Indigenous child in need of alternative care. The Principle has also been included in the *Adoption of Children Act 1994*.

## Links

- National Archives of Australia Collection: Indigenous Peoples:  
[http://www.naa.gov.au/the\\_collection/indigenous\\_records.html](http://www.naa.gov.au/the_collection/indigenous_records.html)

**Note:** This overview is based primarily on the *Bringing them home* report and provides a background to the policies and practices that authorised the removal of Aboriginal and Torres Strait Islander children from their families. It is not intended to be used as a comprehensive historical document.

### Early contact

In 1797 the explorer, Matthew Flinders, led an expedition by sea to Moreton Bay and landed at Redcliffe. The area was not settled until 1824, when Redcliffe was set up as a penal outpost of New South Wales. In the following year, the settlement moved to Brisbane.

As a penal colony, there was little initial conflict between the colonisers and Indigenous populations. However, the growth of a free settlement from 1842 brought contact that soon escalated into extreme violence. This included the poisoning of Indigenous people at Kilcoy Station by settlers (1842) and attacks on Indigenous camps at Breakfast Creek (1860).

... the aboriginal inhabitants are treated exactly in the same way as the wild beasts or birds the settlers may find there ... Their goods are taken, their children forcibly stolen, their women carried away, entirely at the caprice of the white men.'

(Queenslander, 1883)

While the government condemned these activities, it left protection of Indigenous people to the missionaries. Land was reserved for them and was controlled by the missions.

The Torres Strait Islands were settled by fishermen from Sydney and New Caledonia and by missionaries. During the 1860s, fishing outposts were set up on the islands, bringing forced labour, violence and abductions to Torres Strait Islander communities. A number of violent clashes broke out between the Islanders and shipping merchants.

In 1871, the London Missionary Society set up operations on Darnley and Dauan Islands, later expanding across to the other islands. The missionaries played a leading role in putting an end to the cycle of warfare, exploitation and abductions on the islands.

A settlement was eventually established on Thursday Island in 1876, and the islands were made part of Queensland by the Colonial Parliament in 1879. This was achieved without any consultation with the Torres Strait Islander people.

### Segregation and isolation

The first legal removals took place under the *Industrial and Reformatory Schools Act 1865*. This allowed all children to be sent to industrial or reformatory schools on the ground of 'neglect'. Under this law, simply being 'aboriginal' was proof of neglect, so many Indigenous children were removed through this law.

In 1896, Archibald Meston was asked to report to the government on conditions at the mission stations and reserves. In his report, Meston spoke of the frequent kidnapping of Indigenous children by settlers. He urged that Indigenous people be isolated on reserves to the 'total exclusion of whites' in order to prevent further kidnappings.

Meston's suggestion was taken up by the government and would form the foundation of its policies until 1965. Indigenous people, including children, were to be isolated on missions and government settlements well away from non-Indigenous society.

The Government acted on Meston's advice soon after by passing the *Aboriginal Protection and Restriction of the Sale of Opium Act 1897*. This allowed government officials under the Chief Protector's

control to remove Indigenous people to reserves and to separate children from their families. All that was needed was administrative approval from the Minister. There was no court hearing.

The Act also allowed 'orphaned' and 'deserted' mixed-descent children to be removed to an orphanage.

## Chief Protector Bleakley

"It is only by complete separation of the two races that we can save him ('the Aborigine') from hopeless contamination and eventual extinction, as well as safeguard the purity of our own blood."

These are the words of J.W. Bleakley six years after his appointment as Chief Protector of Aborigines in 1913. Bleakley firmly believed in the segregation of Indigenous from non-Indigenous people.

Bleakley was a strong supporter of the missions and government settlements as a way of achieving this. He encouraged the government to put more money into the missions and settlements to improve the appalling conditions. Malnutrition, lack of clothing and protection, and disease led to very high mortality rates, with death rates frequently exceeding birth rates.

At the Cherbourg Mission, for example, there were no cots or beds in the children's dormitories. Conditions on the missions further north were much worse, and were compared to prisons. By 1934, one-third of Indigenous people in Queensland were living on missions and settlements.

Indigenous children were not only removed to missions. Many were removed to government-run dormitories, where they were equally isolated, or sent to work at an early age. In 1899, a protectoress was appointed to supervise young Indigenous women who went to work as domestics in Brisbane. By 1914, she was supervising 137 Indigenous girls. Archbishop Donaldson, visiting Cherbourg in 1915, noted that of the girls sent out to service more than 90 per cent came back pregnant to white men.

Some Indigenous people continued to live away from the missions and settlements. They lived in camps, surviving on basic rations earned from working on nearby farms for much less money than non-Indigenous workers received. Often, children found to be living in these camps were removed on Bleakley's order.

On the Torres Strait Islands, the government policy was to restrict the movement of the Islanders. This would ensure their availability to work in the fishing industry.

The *Aboriginals Preservation and Protection Act 1939* replaced the 1897 law. Bleakley was made Director of Native Affairs as the office of Chief Protector was abolished. This law made Bleakley the legal guardian of all Indigenous children under 21 years, which meant he no longer had to seek the Minister's approval before removing children.

## Assimilation

Bleakley's term came to an end in 1942, when he was replaced by Cornelius O'Leary as Director of Native Affairs.

By this time, the Queensland missions were pleading for more funds to address the derelict housing, constant food shortages, unsafe water supplies, and high rates of illness and death. The situation was quite serious on some missions (Mapoon, Aurukun and Yarrabah) where Indigenous residents resorted to protest. At Yarrabah, the mission's response was to force the protesters to leave, most joining a shanty camp near Cairns. Similar conditions existed on the government settlements.

With the new Director came a change in government policy. O'Leary promoted a policy of assimilation through education and housing. In 1965 the government acted on this by passing the *Aboriginal and Torres Strait Islanders Act 1965*. Indigenous people regained guardianship of their children. Even so, the Director could still order the compulsory removal of people, including children, between reserves.

The new law also introduced the concept of 'assisted person'. Every Aboriginal or Torres Strait Islander living on a community or mission was classed as an 'assisted person'. They were required to hold a 'certificate of entitlement' in order to remain on the mission or settlement.

Under the Act, 105 regulations were made to deal with all forms of behaviour control. For example, Regulation 70 allowed the use of dormitories as places of detention for any male or female who 'commits an offence against discipline'. Such an offence included escaping or attempting to escape from a reserve or settlement.

In terms of conditions on the missions and settlements, the government did little to respond to pleas for further funding. Instead, it looked at ways to cut spending on Indigenous affairs. One proposal was to put as many 'light-skinned children' as possible up for adoption and force others into the non-Indigenous community.

The situation was slightly different for Torres Strait Islanders. In the early 1960s, the once successful marine industry on the Torres Strait Islands collapsed, leaving many Indigenous Islanders out of work. Many were reliant on low wages to meet the cost of living. As a result, many left the islands and settled on the mainland.

A program, in the name of assimilation, was established in 1967 to employ 'liaison officers' to monitor hygiene practices and social habits. They inspected Indigenous homes, policed truancy and assisted in dealings between the police and Indigenous people. While this meant some assistance in holding families together, it also meant that Indigenous families were under increased surveillance.

By the 1960s, Indigenous people were under increased observation from the government. In 1959, Director O'Leary declared: "*We know the name, family history and living conditions of every aboriginal in the State.*"

## Towards self-management

With growing numbers of Indigenous people living off the missions and settlements, the camp communities grew in number and size – some were even shanty towns. The low wages they received, compared to wages received by non-Indigenous workers, made housing unattainable for most Indigenous farmhands. For many, the camps and shanty towns were the only alternatives.

Local councils would react to the presence of camps in their area by demolishing huts and forcing people to move elsewhere. When they resettled, the process simply repeated itself. Many children suffered poor health in these conditions, particularly from having no established home. They were then at risk of being declared neglected and removed.

The 1965 assimilation law was replaced with the *Aborigines Act 1971* and the *Torres Strait Islanders Act 1971*. Both of these laws abolished the Director's power to remove children. By this stage, one-half of children in welfare institutions in north Queensland were Indigenous children.

In 1975, a Commission of Inquiry into the Nature and Extent of the Problems Confronting Youth in Queensland noted the negative effects of placing Indigenous children in non-Indigenous institutions. The Inquiry recommended that alternative means of child care be considered and that Indigenous staff be employed. This was the beginning of a shift towards Indigenous people being involved in decisions that affected the lives of their children.

In 1984, the Queensland Government adopted the Aboriginal Child Placement Principle. Under this, an Indigenous family must be the preferred placement for an Indigenous child in need of alternative care. This is now included in the main child welfare and adoption laws.

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### Early settlement

Like Western Australia, South Australia was originally set up as a free settler colony. Plans to settle the region were discussed in Britain and organised under the South Australian Land Company. The first colonisation fleet arrived from England in 1836, carrying some 200 emigrants. Some of the first settlers also came from Germany.

South Australia was settled at a time when more humanitarian principles of colonisation were dominant in England. This is reflected in the intentions of those who founded the colony. The *Foundation Act of South Australia*, for example, stated:

Nothing in these our Letters Patent shall affect or be construed to affect the rights of any Aboriginal Natives ... to the actual occupation or enjoyment ... of any lands therein now actually occupied or enjoyed by such Natives.

South Australia's first Governor, Hindmarsh, placed less importance on these rights. Within the early years of settlement, only a few small areas of land were reserved for Indigenous people. Even so, the colonisers did seek to protect the rights of the Indigenous population. They did so through a system of protectionism and reserves.

Under the *Aboriginal Orphans Ordinance 1844*, the Protector of Aborigines was appointed legal guardian of 'every half-caste and other unprotected Aboriginal child whose parents are dead or unknown'. The same law allowed Indigenous children of a 'suitable age' to be sent to work so long as their parents agreed. Indigenous boys were sent to work in Adelaide industries, while the girls became domestic servants. The apprenticeship scheme was unsuccessful, as most children returned to their families.

Schools were also set-up for Indigenous children, including the 'Native Location' School for Aboriginal Children – set up by the Evangelical Lutheran Missionary Society in 1839. While these schools were established with good intentions, they were soon used to force Indigenous children away from their families. At one stage, the government's annual distribution of blankets to Indigenous people on the Queen's Birthday was suspended for every Indigenous adult – unless they had a child in school.

Despite early attempts at protectionism, the pattern 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. Most of the remaining reserves, such as Poonindie in the south, were converted to mission land. The missions also started to purchase Crown land to set up missions for Indigenous communities. Schools were set up on the missions to educate Indigenous children and distance them from 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 demoralising influence of the vile practices carried on at the wurleys**

George Taplin, teacher and missionary, 1860  
(as quoted in Mattingly & Hampton,

1987: *Survival in Our Own Land: Aboriginal Experiences in South Australia.*)

During this time, the government effectively condoned the forcible removal of Indigenous children from their families by its inaction. In 1881, another Protector was appointed.

## Protector and legal guardian

The legal removal of Indigenous children began soon after the appointment of W.G. South as Protector in 1908. Initially, the removals were done under general child welfare laws.

For example, the *State Children's Act 1895* was used to remove Indigenous children on the ground of 'destitution' or 'neglect'. These definitions could easily be applied to Indigenous children whose parents were nomadic, involved in seasonal work or impoverished through loss of their land.

Protector South urged the government to extend his powers to remove Indigenous children. Specifically, he wanted to do away with the need for a court's approval – sometimes the courts would refuse to accept that the children were neglected or destitute. In 1911, South was granted these powers under the *Aborigines Act 1911*, making him the legal guardian of every 'Aboriginal and half-caste'.

South was also given additional powers to move Indigenous people between reserves. This power was often used to provide cheap labour to farmers near reserves. People would be moved to reserves depending on the demand for farm workers. South believed that 'half-castes and quadroons [one-quarter Indigenous]' ought to be trained for work.

In 1913, the government established a Royal Commission 'to inquire into and report upon the control, organisation and management of institutions ... set aside for the benefit of Aborigines'. The inquiry heard protests against the removals from both Indigenous and non-Indigenous people.

Despite the criticisms, the Royal Commission's final position favoured assimilation. This resulted in the *Aborigines (Training of Children) Act 1923*, allowing any Indigenous child to be committed to a child welfare institution and later sent to work. The 1923 law was strongly opposed by Indigenous families who lobbied the government to overturn it. The protests met some success, with the Act suspended in 1924. However, it was reintroduced in the *Aborigines Act 1934 – 1939*.

## Integration into white society

In 1936, the legal definition of 'Aboriginal' was extended to include anyone 'descended from the original inhabitants of Australia'. However, those who 'by reason of their character, standard of intelligence, and development are considered capable of living in the general community without supervision' were excluded from the legal definition.

In other words, the law made a distinction between Indigenous people depending on their ability to integrate into non-Indigenous society. Those who still required supervision remained under the Protector's control, while the others were given an 'exemption certificate' and escaped the Protector's control.

An exemption certificate entitled its holder to open a bank account, receive social security benefits, own land and purchase alcohol. All of these things were denied to Indigenous people who remained under the Protector's control. On the other hand, holders of these certificates were not allowed to live with their families on reserves and even had to apply for permission to visit them.

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

A formal policy of assimilation was not adopted until 1951, when further opportunities for integrating Indigenous children into non-Indigenous society were followed. State schools were opened to Indigenous children and their parents were encouraged to send their children to them. In many cases, this meant the child was living away from home, or was sent to one of the children's homes in Adelaide.

Also, in 1954, the Aborigines Protection Board began placing Indigenous children in non-Indigenous foster homes in preference to institutions or missions. Again, this was part of assimilating Indigenous people into the general community.

The Board's guardianship of Indigenous children finally ended with the *Aboriginal Affairs Act 1962*. However, the numbers of Indigenous children being removed for reasons of lifestyle or poverty under the general child welfare law did not decrease.

## Towards self-management

In 1967, Indigenous children started to be fostered out to Indigenous families. By this stage, 157 Indigenous children were in non-Indigenous foster homes, compared with the 26 who were living with Indigenous families. A further 123 children were living in hostels or institutions.

In 1978, the South Australian Aboriginal Child Care Agency was established to provide input into decisions about the welfare of Indigenous children. Another of its roles was to redress the 'injustices that were occurring within the government welfare field'. The main concern was that culturally appropriate (and preferably Indigenous) care be provided to these children.

Five years later, the Aboriginal Child Placement Principle became the official policy of the welfare department. It was later included in the *Adoption Act 1988* and *Children's Protection Act 1993*. Under the Aboriginal Child Placement Principle, an Indigenous family must be the preferred placement for an Indigenous child in need of alternative care.



**Note:** This overview is based primarily on the *Bringing them home* report and provides a background to the policies and practices that authorised the removal of Aboriginal and Torres Strait Islander children from their families. It is not intended to be used as a comprehensive historical document.

### The 'Black War'

Van Dieman's Land, as Tasmania was originally known, was first occupied in 1803 as a penal colony. The occupation was accompanied by more than 30 years of severe conflict. It ended with the near total removal of Indigenous people from mainland Tasmania.

Kidnapping of Indigenous children by settlers for domestic and farm labour was widespread, causing one Governor to express his 'utter indignation and abhorrence' at the practice. In 1819, another Governor, Sorrell, made a similar proclamation. He also ordered officials to list all children and youth held by settlers. Those children removed without parental consent were sent to Hobart, where they were educated and housed.

The situation worsened as the 1820s brought an influx of European settlers who quickly took up land. Indigenous resistance hardened, and the colony fell into a state of panic as attacks and murders became more frequent. Governor Arthur responded by declaring martial law. This period of conflict came to be known as the 'Black War'.

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 were recruited and spread out in a line across the north of Tasmania. For six weeks they moved southward with the aim of driving the Indigenous population onto two peninsulas in the far south-east. The plan was an utter failure.

### Removal to the islands

George Robinson, a local building contractor who had travelled among Indigenous people and gained their trust, suggested to the government that he negotiate with them. He would offer them protection, food, clothing and shelter away from the mainland. The government agreed and organised their removal to Flinders Island, north of mainland Tasmania.

By 1835, more than 200 Indigenous people had been moved to the Wybalenna settlement on Flinders Island. Conditions on the Island had a drastic effect on them. The combination of inadequate shelter, scarce rations, disease and loss of freedom meant very few survived the relocation. By 1843, only 50 of the original 200 survived.

The adults who remained were again relocated – this time to Oyster Cove, south of Hobart. The children were sent to an orphan school in Hobart to adjust to non-Indigenous society. In 1855, mixed-descent people at Oyster Cove were forced off the reserve and into the non-Indigenous community. By 1886, those remaining on the reserve had died.

When Robinson established the reserve on Flinders Island, he came across another Indigenous community. These were the descendants of Indigenous women and about 12 European sealers. After the collapse of the sealing industry, these Indigenous people stayed on the island. Since they were of mixed descent, Robinson did not consider them under his responsibility.

By the late 1870s, this community moved south to Cape Barren Island. In 1881, the Government established a formal reserve there. The community was visited regularly by missionaries and in 1890 a missionary schoolteacher was appointed to visit Cape Barren Island. By 1908, the Indigenous population on the island numbered 250 people.



The Government sought to control the lifestyle of the people on Cape Barren Island and force them to become self-sufficient. To this end, the *Cape Barren Island Reserve Act 1912* was passed. It provided that unless the residents of the Island constructed dwellings and cultivated the land, they would lose their right to occupy the land. Ten years later, very few of the Islanders had complied with the Act.

The Secretary of Lands also wanted to remove the children on Cape Barren Island and appoint a manager to oversee the land's development. He received legal advice saying that any removal of children from parents without consent would be against the law.

## Assimilation

The Tasmanian Government did not formally adopt a policy of removing Indigenous children. This was partly because of the severe reduction of the Indigenous population since colonisation and their removal to Flinders and Cape Barren Islands. Even so, other policies and practices were used to remove Indigenous children. By the late 1920s, proposals to remove children started appearing in government reports.

A 1929 report highlighted the impoverished living conditions of the Cape Barren Islanders and found that many children were suffering from sickness, including malnutrition. Amongst other things, the report recommended that once children completed school they should be encouraged to leave the Island and the influence of their family.

The government responded by appointing the head teacher on Cape Barren Island to the position of 'special constable'. This gave him the power to remove a child for neglect under the child welfare laws. Fearful of losing their children, many Indigenous families left the Island for mainland Tasmania.

Another inquiry in 1944 found that the Indigenous population had dropped to 106. It noted that their health was deteriorating, particularly because they were dependent on outside sources of food. Initially, the government strictly encouraged the Islanders to farm the land, making it a condition of holding any land on the island. This approach failed and the reserve land went back to the government. Rather than choosing to assist families living in poverty, the government demanded they move to the mainland or risk having their children taken.

From the 1950s, officials increasingly removed Indigenous children to mainland Tasmania using the child welfare laws – the *Infants Welfare Act 1935* and the *Child Welfare Act 1960*. Children could be removed if they were judged by a court to be 'neglected'. Although the laws allowed parents to appear in court to challenge the decision, the remoteness of the islands from the mainland made this a practical impossibility.

Under these laws, parents could also be charged with the criminal offence of neglecting a child and sentenced to imprisonment. Once the parents were imprisoned, their other children would also be removed.

When removed, Indigenous children were usually fostered out to non-Indigenous couples or sent to homes where most of the other children were non-Indigenous.

## Towards self-management

During the 1970s, the government began acknowledging the existence of an Indigenous population entitled to assistance. The government also acknowledged the relationship of colonisation to the disadvantages suffered by Indigenous people in Tasmania.

By 1970, 20 Indigenous children were studying by scholarship on mainland Tasmania. While studying, they lived in accommodation approved by their families. The parents were, however, still concerned that the children might be removed permanently.

In 1973, the government established the Aboriginal Information Service (AIS). This service provided legal representation for Indigenous children and parents in neglect cases and juvenile justice matters. It went some way to reducing the number of removals occurring through child welfare and criminal laws. The AIS is now called the Tasmanian Aboriginal Legal Service.

In 1984, the Tasmanian Government adopted the Aboriginal Child Placement Principle. Under this Principle, an Indigenous family must be the preferred placement for an Indigenous child in need of alternative care. This is now incorporated into the activities of Tasmania's Social Welfare Department.

## Links

- Frog and Toad's Indigenous Australia  
<http://www.frogandtoad.com.au/aboriginies/land5.html>

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### Colonial settlement

In 1834, settlers from Tasmania travelled across the Bass Strait to Portland Bay in search of new farmland. A year later, John Batman signed a 'treaty' with Indigenous leaders in the Port Phillip Bay area, giving him ownership of almost 250,000 hectares of land. The legality of this treaty was even questioned by the NSW Governor of the time.

Interaction between settlers and Indigenous people was officially discouraged and a policy of segregation was adopted. This involved establishing reserves and encouraging Indigenous people to 'settle down to a life of farming'. These reserves were mostly run by missionaries, who also established schools designed to pull Indigenous children away from 'tribal influences'.

In 1860, the Central Board Appointed to Watch over the Interests of Aborigines was established. The Central Board was responsible for managing the reserves, including two larger ones at Framlingham and Coranderrk. Each reserve usually had a school and separate living quarters for the children.

During this time, the removal of Indigenous children was informal and not authorised by law. The manager of Coranderrk Reserve would travel around Indigenous communities removing 'neglected' children without any legal authority.

### The Aborigines Protection Board

This situation changed in 1869 with Parliament passing the *Aborigines Protection Act 1869* that established the Aborigines Protection Board. The Act did not make any explicit statement condoning the removal of Indigenous children. Instead, it gave quite broad powers to the Board to make laws for 'the care, custody and education of the children of Aborigines'. These laws, or 'regulations', would not be open to public comment and scrutiny.

One of the regulations made under the Act allowed for 'the removal of any Aboriginal child neglected by its parents or left unprotected'. They were removed to a mission, an industrial or reform school, or a station.

Another regulation allowed the Board to remove any male child under 14 years and female child under 18 years living on reserves and relocate them elsewhere. These powers of removal were even given to station managers.

These regulations were used to separate Indigenous children from their parents and house them in dormitories on the reserves at Lake Hindmarsh, Coranderrk, Ramahyuck, Lake Tyers and Lake Condah.

The full force of this segregation policy came in 1886 when the government amended the 1869 law. Faced with huge financial costs in running reserves and schools, the Board focused on two things:

- keeping 'full-bloods', who were thought to be dying out, on the reserves
- merging 'half-castes' into the white community.

What followed as a result of these new laws was the forced removal of all 'part-Aboriginal' people under 34 years off the reserves and away from their families. The law also forced mixed-descent children into work. Employment and education were seen as successful ways to merge mixed-descent children into the community. So, once an Indigenous child turned 13 they were sent to work or apprenticed – the males usually worked as farmhands, the females as domestic servants. Once they left the reserve, they were not allowed to return without official permission.

The Board continued to make regulations that extended its powers of removal. If families refused to consent to the removal of their children, they were threatened with being forced to leave the station or being denied rations.

Between 1886 and 1923, the number of reserves in Victoria dropped from six to one. All Indigenous people who wished to receive assistance from the Board had to move to Lake Tyers, the only staffed institution after 1924. The decline in reserves meant the Board could cut costs. However, it could only do this by forcing mixed-descent children off reserves and into schools or work.

## A growing underclass

In 1957, less than 200 Indigenous people were reported as living in Victoria. This was based on the number of people living on the reserve at Lake Tyers. Based on these figures, the Victorian Government refused to attend the national conference on the 'Aboriginal problem'.

Of course, there were many Indigenous people living off the reserve – whether by force or choice. Those not living on the Lake Tyers reserve were denied any welfare assistance from either the government or the Board. Facing hostility from the non-Indigenous community, they moved into shanty towns on the outskirts of country towns or the sites of former reserves. Indigenous communities grew in the Goulburn Valley, East Gippsland and along the Murray River. Many also moved to Melbourne.

Although the Board continued to have power over Indigenous children generally, it was only concerned with the people at Lake Tyers. Despite this, the removal of Indigenous children from their families continued – largely informally and by private means.

Between 1887 and 1954, private welfare agencies and individuals were authorised to remove Indigenous children if they suspected the child was neglected. They could assume guardianship of them or send them to an institution. In 1957, there were at least 68 institutions managed by 44 different private agencies.

As these removals were informal and private, they were very difficult to control. Often, what was temporary assistance agreed to by the parents ended up being the start of an irreversible removal process. The government found it difficult to keep track of these removals, making it near impossible for parents to locate their children.

Adoption laws were also used by individuals to remove children. The Victorian *Adoption of Children Act 1928* allowed anyone to arrange an adoption, so long as the mother consented. Some Indigenous parents would later find out they had unknowingly agreed to give up their children, when they thought they were placing them in temporary care.

## Assimilation

In 1955, the newly elected Premier appointed Charles McLean to review and recommend changes to the state's Aboriginal affairs policy. Soon after his appointment, McLean reported back on the dire conditions in which many Indigenous people lived:

**On these two areas [at Moorroopa] live about 59 adults and 107 children, in most squalid conditions. Their 'humpies' are mostly constructed of old timber, flattened kerosene tins, and Hessian ... They are not weatherproof, have earthen floors, very primitive arrangements, and no laundry or bathing facilities except for the river ...**

The Aborigines Advancement League expressed their concerns to McLean about the physical and cultural future of Indigenous people. They also advocated self-government for the communities. McLean rejected these claims and called for a policy of assimilation instead.

McLean's recommendations were taken up by the government. In 1957, the *Aborigines Act 1957* was passed. Under this new law, the Board was given no specific power in relation to Indigenous children. However, the Board could inform the police that it was concerned about a particular child, and thereby initiate removal.

It was the police who had most power to remove Indigenous children. Until 1985, the Victorian police were empowered to forcibly remove Indigenous children under the *Child Welfare Act 1954*. While the McLean inquiry was going on, police suddenly took action to remove children from Indigenous communities in Gippsland, the Western District and the Goulburn Valley.

During 1956 and 1957 more than 150 children were living in government-run children's institutions. This is more than 10 per cent of Indigenous children in Victoria at that time. The great majority of these had been removed by the police.

In 1969, the *Aboriginal Affairs Act 1969* was changed so that police had to notify the government whenever an Indigenous child was being removed.

## Self-management

Following the 1967 referendum, the Commonwealth Government entered into the field of Aboriginal Affairs. This led to a review of Victoria's policies on Indigenous people, as well as disagreement within the Victorian Aborigines Welfare Board.

The first change came that year with the *Aboriginal Affairs Act 1967* and the appointment of a Minister for Aboriginal Affairs. The Act enabled the Minister to review existing laws and policies on Indigenous people living in Victoria. Within the first year, the Minister expressed concern about 'unauthorised fostering arrangements of Aboriginal children'. He stated that at least 300 Indigenous children were informally separated from their parents, with possibly many more unknown.

Despite this change, the number of Indigenous children forcibly removed continued to rise – from 220 in 1973 to 350 in 1976.

Real change came with the establishment of Indigenous-operated community services. These included:

- Victorian Aboriginal Legal Service Cooperative (appearing for Indigenous children in court)
- Victorian Aboriginal Child Care Agency (opened in 1976).

The efforts of these Indigenous-operated organisations resulted in a 40 per cent reduction in the number of Indigenous children in homes as early as 1979.

In 1979, the Victorian Government adopted the Aboriginal Child Placement Principle. Under this, an Indigenous family must be the preferred placement for an Indigenous child in need of alternative care. This is now included in the main child welfare and protection laws.

## Links

- Information on the Coranderrk Reserve  
<http://www.museum.vic.gov.au/encounters/coranderrk/index.htm>
- Museum of Victoria – 'Hidden Histories' (oral histories of Indigenous people in Victoria)  
[http://www.museum.vic.gov.au/hidden\\_histories/histories/](http://www.museum.vic.gov.au/hidden_histories/histories/)

# Western Australia

**Note:** This overview is based primarily on the *Bringing them home* report and provides a background to the policies and practices that authorised the removal of Aboriginal and Torres Strait Islander children from their families. It is not intended to be used as a comprehensive historical document.

## The Swan River colony

Unlike the eastern colonies, Western Australia was established for free settlers rather than convicts. In 1829, Captain Charles Howe Fremantle took possession of land around the Swan River. Later that year, Captain James Stirling officially founded Perth and established the Swan River colony.

Settlers and nearby Indigenous communities soon fell into conflict – mostly over land. In a free settler colony, land is vital for the colony's continued existence and growth, particularly land suitable for farming. Settlers arriving at the Swan River Colony were granted land according to the amount of property, equipment and animals they brought with them. Thinking there would be plenty to go around, the colonisers seized land rapidly. There was little consideration for the presence of Indigenous communities on these lands or the existence of Indigenous sacred sites. The result was immediate conflict and a forced retreat of Indigenous people eastward.

One example of such conflict was the Battle of Pinjarra. Pinjarra was established by a Perth businessman in 1830 and, with its fertile soils and pastures, quickly attracted settlers. Local Indigenous people camped outside the settlement, launching random attacks and protests. Governor Stirling led an expedition to the camp with policemen and armed soldiers. They opened fire indiscriminately. Those Indigenous people who retreated were ambushed by another group of soldiers who also opened fire. A total of 30 people were killed including two women and a child.

In 1837, the British Select Committee expressed concern over the fate of Indigenous people in the colonies. In response to the Committee's report, 'protectors' were appointed in Perth and York to look after the interests of Indigenous people. In reality, the protectors were firmly aligned with the colonists against the Indigenous population. By the 1860s the colony was expanding north and east, with the far-north Kimberley region settled in the 1880s.

In the 1840s, the Colonial Government funded a number of church-run schools. By 1847 all but one of these was closed. A more formal system of schools came into effect with the *Industrial Schools Act 1874*. Under this law, children who were voluntarily sent to a school, orphanage or institution would remain under its control until the age of 21 years, regardless of the parents' wishes. Two such institutions during this time were the Swan Native and Half-Caste Mission and the Beagle Bay Mission.

## The Aborigines Protection Act

Reacting to the atrocities committed against Indigenous people in WA, the British Government passed the *Aborigines Protection Act 1886*. This was the first in a series of laws and regulations allowing the forced removal of Indigenous children from their families.

The 1886 law established the Aborigines Protection Board. While the Act did not grant powers to remove children, it allowed any Aboriginal or 'half-caste' child of a 'suitable age' to be sent to work. What was considered 'suitable' was left to the Board's judgment – most commonly, 10 years old was considered suitable.

British control over Indigenous affairs in Western Australia ended in 1897 with the *Aborigines Act 1897*. The Aborigines Department was created and given the same powers of the Board. A Chief Protector, Henry Prinsep, was also appointed to run the Department. Prinsep had previously worked as a colonial administrator in India, another British colony.

Prinsep believed that Indigenous children of mixed descent who grew up with their Indigenous families would become 'vagrants and outcasts' and 'not only a disgrace, but a menace to society'. Neither Prinsep nor his Department had the power they wanted to remove Indigenous children. Instead, Prinsep sought to persuade parents to part with their children. To achieve this, he requested information from local protectors on any 'half-caste' children who could be persuaded to enter one of the existing institutions.

Not surprisingly, most mothers refused to give up their children, so Prinsep's plans met little success. He then proposed the extension of his powers so he could remove children forcibly and without parental consent.

At the same time, the government was conducting an inquiry into Indigenous affairs, headed by Dr W.E. Roth. Speaking in 1904, Roth noted the 'most brutal and outrageous state of affairs', in which Indigenous people were exploited, brutally controlled and malnourished. Roth's recommendation was for the Chief Protector to become the legal guardian of these children and that a process of removal be established.

Both Prinsep's desire for extended power and Roth's recommendations were answered with the *Aborigines Act 1905*. The Chief Protector was now the legal guardian of 'every Aboriginal and half-caste child under 16 years'.

The missions in WA supported the views of Prinsep and Roth. In 1906, the missionaries at Beagle Bay requested that the police round up Indigenous children living in and around the north-west towns and send them to the mission.

**As soon as possible, children can be removed from the adult camp and the nomadic ways of their parents, and be housed in dormitories on mission premises to be educated at school and in trades.**

(Father George Walter, Superior at Beagle Bay Mission, 1906)

## Chief-Protector Neville

Protests from the non-Indigenous population about the presence of Indigenous camps near towns in the South led to a new plan for Indigenous resettlement. The plan was to establish isolated self-contained 'native settlements' run by the government, though largely supporting themselves.

One of the main supporters of this new plan was A.O. Neville, the new Chief Protector appointed in 1915. Neville, or 'Mr Devil' as he became known to many Indigenous people, saw the settlements as a way of merging mixed-descent children into the non-Indigenous society. They were to be physically separated from their families on the settlements, receive a European education, be trained in domestic and stock work, and then sent out to work.

Many of the missions were soon converted into self-supporting stations. The first of these was at Carrolup in the south, soon followed by the nearby Moore River settlement in 1918. By converting the missions to self-supporting stations, the government could also cut back on funding these institutions.

Indigenous families were not willing to move to these settlements. Many had already found work for wages in their local area instead of the payment by rations offered on the settlements. They also feared their children would be separated from them on the settlements. However, some moved to the settlements fearing their children would be removed permanently. As in the past, threats of reduced rations convinced families to move.

Between 1915 and 1920, at least 500 Indigenous people, about a quarter of the Indigenous population in the south, had been removed to settlements. By 1927, the Moore River Settlement alone had 300 inmates.



By the 1930s, Neville started to use the language of genetics to promote the settlements and argued for biological assimilation. The key issue to Neville was skin colour. He believed that once 'half-castes' were sufficiently white in colour, they would become like white people. To achieve this, two things were necessary:

- the separation of Indigenous children from their families so they could be prepared for non-Indigenous society
- breeding between Indigenous and non-Indigenous people.

Of course, Neville's vision contrasted with the reality of life in the under-funded settlements, which were in poor condition. Also, while many non-Indigenous people thoroughly supported the segregation of Indigenous people, they were not so supportive of Neville's biological assimilation.

At this time, allegations of slavery and mistreatment of Indigenous people appeared in the local and international press. This forced the government to start a Royal Commission into the conditions of Indigenous people in WA. An overwhelming amount of evidence was put to the Royal Commission that criticised the settlements and removal policy.

Neville's response to these attacks on his policies was to argue that removal was in the best interests of Indigenous children. The Royal Commission was so impressed with Neville's response and views that they recommended an extension of his powers. The government took this up and passed the *Native Administration Act 1936*. This law effectively gave him control over all people of Indigenous descent, whether of full or part descent and regardless of their lifestyle.

## Assimilation

When Neville retired in 1940, the government slowly began to move away from Neville's policy. The new Commissioner for Native Affairs, Stanley Middleton, argued that isolating children of mixed descent on run-down government settlements was not the way to achieve assimilation. One of the first things Middleton did was return many settlements to the missions, and increase funding for missions in the north.

Another aspect of this new assimilation policy was that Indigenous children were accepted into the state schools from the early 1950s. While attending school, they stayed on settlements or at missions, with an opportunity to visit their families during holidays if they had a 'suitable home' to go to. In many cases, however, their parents' homes were not deemed 'suitable', or it was simply too expensive to travel the distance. In 1958, it was estimated that 25 percent of Kimberley children were living in missions.

In 1954, the Commissioner's power to remove children was abolished by the *Native Welfare Act 1954*. Even so, he remained the legal guardian of all Indigenous children. From this time, Indigenous children were more likely to be removed under the *Child Welfare Act 1947*. While this law required a court's approval for removal, that requirement made little difference to the numbers removed in practice. Between 1958 and 1961, the number of Indigenous children committed to government care more than doubled.

## Towards self-management

The Department of Native Welfare was finally abolished in 1972. At the time, there were 3,099 Indigenous people in institutions, most of whom were children. This figure represented one in every ten Indigenous people in the state.

Reform began in the late seventies and early eighties. In 1980, the Aboriginal Child Care Agency was established in Perth, later replaced by the Yorganop Child Care Corporation. Also, in 1985, the Aboriginal Child Placement Principle was adopted as policy by the Department of Community



Services, which was now responsible for the welfare of Indigenous children. Under the Aboriginal Child Placement Principle, an Indigenous family must be the preferred placement for an Indigenous child in need of alternative care.

These reforms showed some movement towards change and community involvement in child welfare. A review of the Department in 1989 showed a 58 per cent reduction over the previous five years in the number of Indigenous children in foster care. The review also indicated that most of these children were placed with Indigenous caregivers, mostly relatives.

## Links

- A History of the Swan River Colony (Teaching Materials)  
<http://www.members.iinet.net.au/~rchapman/SwanRvr/Colony/colindex.htm>

## 8.

## New South Wales

## The laws

From 1911 until 1989 a number of NSW laws as well as Commonwealth ordinances applied in the ACT.

Following self-government in 1989 the ACT passed its own laws.

Decade	Laws applying specifically to Aboriginal children	General child welfare laws/adoption laws
1810s	<p><b>Governor Macquarie: Proclamation dated 4 May 1816</b></p> <p>Aborigines declared subject to the protection of British law, but any infractions may render them outlawed and leave to loss of privileges.</p>	
1840s		<p>Act to Provide for the Care and Education of Infants Who May Be Convicted of Felony or Misdemeanour 1849</p> <p>Where a child under the age of 19 is convicted, court may assign care and custody of the child to such persons as make application where the court is satisfied it is for the benefit of the child.</p> <p><i>Repealed by Infants Conviction Act 1901</i></p>
1880s		<p><b>State Children Relief Act 1881</b></p> <p>Established State Children's Relief Board. 'Boarding out' officers may remove children from charitable institutions and arrange for them to be boarded out in licensed homes.</p> <p>Regulations may be made prescribing terms and conditions upon which State children may be 'adopted' by fit persons.</p> <p><i>Repealed by State Children Relief Act 1901</i></p>
1890s		<p><b>Protection of Children Act 1892</b></p> <p>Unlawful for certain persons without a written order of a Justice of the Peace to receive into care a child under the age of three 'to adopt, rear, nurse or otherwise raise for payment'.</p> <p><i>Repealed by Children's Protection Act 1902</i></p>

Decade	Laws applying specifically to Aboriginal children	General child welfare laws/adoption laws
		<p><b>Custody of Children and Children's Settlements Act 1894</b></p> <p>Where a parent applies for an order for the return of a child the court may refuse the order where it is of the opinion that the parent has abandoned or deserted or neglected the child or otherwise so conducted himself or herself that the court should refuse to enforce the parent's right to custody; or where the tender age or state of health of the child render it expedient that the child should remain with the child's mother or some other person.</p> <p><i>Repealed by Infants Custody and Settlements Act 1899</i></p>
		<p><b>Infants Custody and Settlements Act 1899</b></p> <p>Similar to 1894 Act.</p> <p><i>Repealed by Children's Protection Act 1902</i></p>
1900s	<p><b>Aborigines Protection Act 1909</b></p> <p>This Act gave the Board for the Protection of Aborigines statutory powers in relation to all reserves.</p> <p><i>Definitions</i></p> <p><i>aborigine</i> – any 'full blooded aboriginal native of Australia, and any person apparently having an admixture of aboriginal blood who applies for or is in receipt of rations or aid from the Board or is living on a reserve'</p> <p><i>neglected child</i> – a child found by the court to be neglected under the <i>Neglected Children and Juvenile Offenders Act 1909</i></p> <p><i>Key Provisions</i></p> <p>Duty of the Board to provide for the custody, maintenance and education of the children of 'aborigines.' Board may apprentice 'the child of any aborigine or neglected child of any person apparently having an admixture of aboriginal blood in his veins' subject to the <i>Apprentices Act 1901</i>.</p>	<p><b>Infant Convicts Adoption Act 1901</b></p> <p>Where an infant under 19 years is convicted of a felony or misdemeanour, the court may assign the care or custody of the child to an applicant willing to take charge of him and provide for his maintenance if judged to be for infant's benefit.</p> <p><i>Repealed by Child Welfare Act 1939</i></p> <hr/> <p><b>State Children Relief Act 1901</b></p> <p>Established State Children's Relief Board with authority to direct the removal of State children; grant licences for the reception of State children as boarders; apprentice any child; approve persons applying to 'adopt' State children; and arrange terms of 'adoption'. Boarding out officer may remove State child from asylum, reformatory school, and arrange for a child to be boarded out.</p> <p><i>Repealed by Child Welfare Act 1923</i></p>

Decade	Laws applying specifically to Aboriginal children	General child welfare laws/adoption laws
	<p>(The <i>Apprentices Act 1901</i> provided for a minimum age of 14 years for apprentices and regulated the terms and conditions of apprenticeships.)</p> <p>The Board vested with power over all reserves including power to remove people from them. Entry onto reserves by non-Aborigines forbidden.</p> <p>Regulations may be made for care, custody and education of Aborigines and prescribing the conditions on which certain children may be apprenticed under the Act.</p> <p><i>Regulations</i>  <i>Aborigines Protection Act Regulation 1909</i> – ‘every Aboriginal male under the age of 14 years, and every unmarried Aboriginal female under the age of 18 years shall, when so required by the manager, reside or take his or her meals and sleep in any building set apart for such purposes.</p> <p><i>Aborigines Protection Act 1915</i> – ‘every able bodied aborigine, half-caste and other person resident on one of the Board’s stations shall do a reasonable amount of work as directed by the Manager.’ Anyone persistently refusing to do work when required shall have all supplies for himself and his family withdrawn until he resumes work and shall be liable to be removed from the station.</p> <p><i>Repealed by Aborigines Act 1969</i></p>	<p><b>Children’s Protection Act 1902</b></p> <p>An offence for any person to receive a child under three to adopt, rear, nurse or otherwise maintain for payment a child, other than a guardian, manager or officer of an institution or private charity or a person exempted by Minister. An offence also to neglect or ill-treat a child. A child so found may be boarded out, sent to an industrial school or committed to the care of a relation or other person.</p> <p><i>Repealed by Child Welfare Act 1923</i></p> <hr/> <p><b>Neglected Children and Juvenile Offenders Act 1905</b></p> <p><i>Definitions</i>  <i>neglected child</i> – includes a child having no visible means of support or no fixed abode; who sleeps in the open air; who without reasonable excuse is not provided with sufficient and proper food, nursing, clothing, medical aid or lodging; whose parents are habitual drunkards; or who is living under such conditions as to indicate that the child is lapsing into a career of vice and crime.</p> <p><i>Key provisions</i>  A ‘neglected’ or ‘uncontrollable’ child may be apprehended and brought before a court which can release the child on probation, commit the child to an institution until the age of 18 years or to the care of a willing person. A child in an institution may be apprenticed in accordance with the <i>Apprentices Act 1901</i>.</p> <p><i>Repealed by Child Welfare Act 1923</i></p>

Decade	Laws applying specifically to Aboriginal children	General child welfare laws/adoption laws
1910s – 1920s	<p><b>Aborigines Protection Amending Act 1915</b></p> <p>Removed the requirement that an Aboriginal child had to be found to be neglected before the Board could remove him/her.</p> <p><i>Key provisions</i></p> <p>‘The Board may assume full control and custody of the child of any aborigine, if after due inquiry it is satisfied that such a course is in the interest of the moral or physical welfare of such child’ and remove such child to such control and care as it thinks best. Parents of a child removed in this way may appeal to a court.</p> <p>Apprenticeship of children by the Board no longer subject to the Apprentices Act 1901. The Board may apprentice children ‘on such terms and conditions as it may think under the circumstances of the case to be desirable’. Every child so apprenticed who refuses to go to the person to whom the Board has apprenticed him/her may be removed, for the purpose of being trained, to some home or institution as the Board may arrange.</p> <p><i>Repealed by Aborigines Act 1969</i></p>	<p><b>Child Welfare Act 1923</b></p> <p>Court given similar power as in 1905 Act to commit a ‘neglected’ or ‘uncontrollable’ child. All children committed to or inmates of an institution in the custody are under the control of the superintendent of the institution until they attain the age of 18 or are discharged, removed, apprenticed or placed out. A child may be adopted if the child’s parents or guardian consent. Consent may be dispensed with if the court is of the opinion that the parent or guardian has deserted or abandoned the child.</p> <p><i>Amended by</i></p> <p><i>Child Welfare (Amendment) Act 1924</i> – court may dispense with consent in any special circumstances where it deems it expedient to do so.</p> <p><i>Repealed by Child Welfare Act 1939</i></p>
	<p><b>Aborigines Protection (Amendment) Act 1918</b></p> <p><i>Definitions</i></p> <p><i>Aborigine</i> – ‘any full-blooded or half-caste aboriginal who is a native of New South Wales’.</p> <p><i>Key provisions</i></p> <p>Provisions in 1909 Act giving Board power over a person ‘apparently having an admixture of aboriginal blood in his veins’ removed.</p> <p><i>Repealed by Aborigines Act 1969</i></p>	

Decade	Laws applying specifically to Aboriginal children	General child welfare laws/adoption laws
1930s	<p><b>Aborigines Protection (Amendment) Act 1936</b></p> <p><i>Definitions</i></p> <p>Definition of ‘aborigine’ in 1918 Act amended by omitting reference to New South Wales and substituting ‘Australia and who is temporarily or permanently resident in New South Wales’.</p> <p><i>Key provisions</i></p> <p>Court may order the removal of an ‘aborigine’ who is ‘living in insanitary or undesirable conditions’ to a reserve or a place controlled by the Board or to the State from whence he/she came.</p> <p><i>Repealed by Aborigines Act 1969</i></p>	<p><b>Child Welfare Act 1939</b> <b>Replaced the Child Welfare Act 1923.</b></p> <p><i>Definitions</i></p> <p><i>neglected child</i> – definition expanded to include a child who is destitute, whose parents are unfit to retain the child or who without lawful excuse does not attend school regularly</p> <p><i>ward</i> – includes a child or young person who has been admitted to State control, committed to an institution or admitted to a hostel for expectant and nursing mothers</p> <p><i>Key provisions</i></p> <p>Where a court finds that a child is neglected it may release the child on certain conditions; commit the child to the care of the Minister to be dealt with as a State ward or commit the child to the care of an institution. The Minister of Child Welfare is the guardian ‘of every child...who becomes a ward to the exclusion of the parent or other guardian’. Minister may direct the removal or transfer of any ward; remove any child from any charitable institution, depot, home or hostel and cause him/her to be apprenticed, boarded out, placed out or placed as an adopted boarder. An adoption order may be made if it promotes the welfare and interests of child. Parents or guardian must consent to adoption but consent may be dispensed with where the court deems it just and reasonable to do so.</p> <p><i>Amended by</i></p> <p><i>Child Welfare Amendment Act 1961</i> – where payment of maintenance for child who is an inmate of a charitable depot, home or hostel has not been paid for 1–6 months, the child may be admitted to State control and the person in charge of the charitable depot, home or hostel deemed to be the child’s foster parent.</p>

Decade	Laws applying specifically to Aboriginal children	General child welfare laws/adoption laws
		<p><i>Child Welfare (Amendment) Act 1966</i> – where it appears to an officer or person in charge of a depot, home or hostel that the welfare of the child may be promoted, the child may be committed by a court to the care of Minister to be dealt with as a ward admitted to State control; apprenticed, boarded out, placed out or placed as an adopted boarder.</p> <p><i>Repealed by Children (Care and Protection) Act 1987</i></p>
1940s	<p><b>Aborigines Protection (Amendment) Act 1940</b></p> <p>Aborigines Protection Board replaced by Aborigines Welfare Board. An Aboriginal child found to be neglected under the Child Welfare Act 1939 to be committed to the Board as a ‘ward of the Board’.</p> <p><i>Definitions</i></p> <p><i>child</i> – ‘an aborigine under 18 years of age’</p> <p><i>ward</i> - ‘a child who has been admitted to the control of the Board or a home constituted under the Act’</p> <p><i>Key provisions</i></p> <p>Duties of the Board include ‘assisting aborigines in obtaining employment’ and ‘maintaining or assisting to maintain them whilst so employed, or otherwise for the purpose of assisting aborigines to become assimilated into the general life of the community’. The Board no longer has duty of education of Aboriginal children but still has duty of custody and maintenance. It may establish homes for the reception, maintenance, education and training of wards.</p> <p>Where in the opinion of the Board a ward is not ready for employment or apprenticeship ‘the ward may be placed in a home for the purpose of being maintained, educated and trained’.</p> <p>Wages of children to be paid to the Board and kept in a trust account for use by the Board for the ward’s benefit until the ward turns 21.</p>	

Decade	Laws applying specifically to Aboriginal children	General child welfare laws/adoption laws
	<p>An offence to try to communicate with a ward in a home or enter any such home without the consent of the Board. Where a children's court finds that a child is neglected or uncontrollable under the Child Welfare Act, the court may deal with the child in accordance with that Act, except that where the court decides that the child should be admitted to State control the child shall be committed to the care of the Board as a ward; and where the court decides to commit the child to an institution the child shall be committed to an institution established under this Act.</p> <p><i>Repealed by Aborigines Act 1969</i></p>	
	<p><b>Aborigines Protection (Amendment) Act 1943</b></p> <p>The Board may issue (and cancel) exemption certificates whereby an Aboriginal person 'shall be deemed not to be an aborigine or a person apparently having an admixture of aboriginal blood'. The Board may board-out children admitted to its control. Once an Aboriginal child has attained the minimum school leaving age the child is to be apprenticed or placed in employment. The Board is the authority in relation to children admitted to its control with power over removal and transfer of wards, apprenticing wards and approving custody of wards.</p> <p><i>Repealed by Aborigines Act 1969</i></p>	
1960s	<p><b>Aborigines Protection (Amendment) Act 1963</b></p> <p>Repeal of provisions allowing a magistrate to send 'mixed blood' Aboriginal people to a place controlled by the Board; and those which made it an offence to take an adult Aboriginal person away from NSW and for non-Aboriginal and Aboriginal people to live together.</p> <p><i>Repealed by Aborigines Act 1969</i></p>	



Decade	Laws applying specifically to Aboriginal children	General child welfare laws/adoption laws
	<p><b>Aborigines Act 1969</b></p> <p>Abolition of Aborigines Welfare Board. Aboriginal children under the care of the Aborigines Welfare Board to become wards of the State. Aboriginal children's institutions deemed to be depots under the <i>Child Welfare Act 1939</i> and subsequent child welfare legislation.</p>	

After *Aboriginal Protection (Amendment) Act 1940*, Aboriginal children were removed under the *Child Welfare Act 1939* and subsequent child welfare legislation.

1960s	<p><b>Adoption of Children Act 1965</b></p> <p>The welfare and interests of child are the paramount consideration. In making an adoption order the Court may dispense with consent if a person cannot be found or identified; the person is not capable of properly considering the question; the person is unfit to discharge the obligations of parent or guardian having abandoned, deserted, neglected or ill treated a child; the person failed to discharge obligations of parent or guardian; or there are any other special circumstances by reason of which consent may be dispensed with.</p> <p><i>Amended by</i></p> <p><i>Adoption of Children Amendment 1966</i> – court power to dispense with consent due to 'other special circumstances' removed. Court may dispense with consent where the interests and welfare of child are promoted by the adoption order.</p> <p><i>Adoption of Children (Amendment) Act 1980</i> – established the Adoption Tribunal.</p>
1980s	<p><b>Children (Care and Protection) Act 1987</b></p> <p><i>Definitions</i></p> <p><i>child in need of care</i> – where provision is not being made for the child's care; the child is being or is likely to be abused; or there has been an irretrievable breakdown in the relationship between the child and parents</p> <p><i>Key provisions</i></p> <p>Introduced Aboriginal Child Placement Principle. Concept of 'neglect' replaced by 'behaviour that harms the child'.</p>

## 8.

# Australian Capital Territory

## The laws

From 1911 until 1989 a number of NSW laws as well as Commonwealth ordinances applied in the ACT as indicated below. Following self-government in 1989 the ACT passed its own laws. From 1915 the legislation applying in the ACT has also applied to Jervis Bay.

Decade	Laws applying specifically to Aboriginal children	General child welfare laws/adoption laws
1880s		<p><b>Infants Custody and Settlements Act of 1899 (NSW)</b></p> <p><i>Repealed by Infants Custody and Settlement Ordinance 1956 No 2 (Cth)</i></p>
1900s	<p><b>Aborigines Protection Act 1909 (NSW)</b></p> <p><i>Amended by</i></p> <p><i>Aborigines Protection Amending Act 1915 (NSW)</i></p> <p><i>Aborigines Protection (Amendment) Act 1918 (NSW)</i></p> <p><i>Aborigines Protection (Amendment) Act 1936 (NSW)</i></p> <p><i>Aborigines Protection (Amendment) Act 1940 (NSW)</i></p> <p><i>Aborigines Protection (Amendment) Act 1943 (NSW)</i></p> <p><i>Repealed by Aborigines Welfare Ordinance 1954 (Cth)</i></p>	<p><b>Infant Convicts Adoption Act 1901 (NSW)</b></p> <p><i>Repealed by Child Welfare Ordinance 1957 (Cth)</i></p>
		<p><b>State Children Relief Act 1901 (NSW)</b></p> <p><i>Repealed by Child Welfare Ordinance 1957 (Cth)</i></p>
		<p><b>Children's Protection Act 1902 (NSW)</b></p> <p><i>Repealed by Child Welfare Ordinance 1957 (Cth)</i></p>
		<p><b>Neglected Children and Juvenile Offenders Act 1905 (NSW)</b></p> <p><i>Repealed by Child Welfare Ordinance 1957 (Cth)</i></p>
1930s		<p><b>Adoption of Children Ordinance 1938 (Cth)</b></p> <p>Regulated adoption of children in the ACT for the first time. The <i>Child Welfare Act 1923 (NSW)</i> which regulated adoption in NSW did not apply in the ACT.</p> <p><i>Definitions</i></p> <p><i>infant – a person under 21</i></p>

Decade	Laws applying specifically to Aboriginal children	General child welfare laws/adoption laws
		<p><i>Key provisions</i></p> <p><i>Consent to adoption required of parent or guardian, person with custody, or person liable to contribute to support. Consent may be dispensed with where a person has abandoned or deserted the infant; cannot be found; is incapable of giving consent; persistently neglected or refused to contribute to support of infant where liable; or where the court is satisfied that in all the circumstances it should be dispensed with.</i></p> <p><i>Repealed by Adoption of Children Ordinance 1965 (Cth)</i></p> <p><b>Child Welfare Agreement Ordinance 1941 (Cth)</b></p> <p><i>Definitions</i></p> <p><i>child – a person under 18</i></p> <p><i>Key provisions</i></p> <p>To approve an agreement made between Commonwealth and NSW for the reception, detention and maintenance in institutions in NSW of children committed to those institutions by courts of the ACT. When an ACT court commits a child to a state institution, the child may be taken by an ACT officer to a shelter in Sydney. The child then comes under the provisions of the <i>Child Welfare Act 1939 (NSW)</i> as if the child had been committed to a NSW institution by a NSW children's court. The agreement was varied by the <i>Child Welfare Agreement Ordinance 1962</i>.</p> <p><i>Repealed by Children's Services Ordinance 1986 (Cth)</i></p>
		<p><b>Juvenile Offenders Ordinance 1941</b></p> <p><i>Key provisions</i></p> <p>An ACT court may commit a child under the <i>Neglected Children and Juvenile Offenders Act 1905 (NSW)</i> to a NSW institution.</p> <p><i>Repealed by Child Welfare Ordinance 1957 (Cth)</i></p>

Decade	Laws applying specifically to Aboriginal children	General child welfare laws/adoption laws
1940s – 1950s	<p><b>Aborigines Welfare Ordinance 1954 (Cth)</b></p> <p><i>Definitions</i></p> <p><i>aboriginal</i> – a person who is a ‘full blooded’ or ‘half-caste’ ‘aboriginal native of Australia’ and who is temporarily or permanently in the Territory</p> <p><i>child</i> – an ‘aboriginal’ under the age of 18</p> <p><i>Key provisions</i></p> <p>The Minister may exercise a general supervision and care over all ‘aborigines’ and over all matters affecting the interests and welfare of ‘aborigines’. On the application of a parent or guardian of a child, the Minister may admit the child to their control and provide for his/her maintenance, education and training. A person who in the opinion of the Minister is guilty of misconduct may be removed from a reserve. The Minister may apply to a court for an order to remove an ‘aboriginal person’ or a person ‘apparently having an admixture of ‘aboriginal blood’ to a reserve or such other place as the court directs on the ground that the person ‘is living in insanitary or undesirable conditions’ or ‘should be placed under control’. The court may also direct that the person returns to the State or other place from which he/she came. The Minister may issue exemptions from ordinance.</p> <p><i>Repealed by Aborigines Welfare Repeal Ordinance 1965 (Cth)</i></p>	<p><b>Neglected Children and Juvenile Offenders Ordinance 1949 (Cth)</b></p> <p>Amended the definition of ‘neglected child’ in the <i>Neglected Children and Juvenile Offenders Act 1905 (NSW)</i>.</p> <p><i>Repealed by Child Welfare Ordinance 1957 (Cth)</i></p>

After the *Aborigines Welfare Repeal Ordinance 1965* the removal of all Aboriginal children came under the *Child Welfare Ordinance 1957* and subsequent child welfare legislation.

1950s	<p><b>Child Welfare Ordinance 1957</b></p> <p>Ended the application of NSW child welfare legislation to the ACT.</p> <p><i>Definitions</i></p> <p><i>admit to government control</i> – admit to control of Minister for purpose of being apprenticed, boarded out, placed out or placed as an adopted boarder and admitted to government control</p>
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<p><i>board out</i> – place in care of person for purpose of being nursed, maintained, trained or educated by that person or in that persons home</p> <p><i>child</i> – a person under 16</p> <p><i>young person</i> – a person under 18</p> <p><i>neglected child</i> – a child who ‘wanders about with reputed thieves or persons who have no visible lawful means of support’; has ‘no visible lawful means of support or no fixed place of abode’; ‘habitually wanders about in a public place with no ostensible occupation or habitually sleeps in the open air in a public place’; ‘without reasonable excuse not provided with sufficient or proper food, nursing, clothing, medical aid or lodging or who is ill treated or exposed’; ‘whose parents are drunkards’; is ‘living in conditions that indicate lapsing or likely to lapse into a life of vice or crime’; is ‘under incompetent or improper guardianship’; is ‘destitute’; whose parents are ‘unfit to retain the child in their care’; who is ‘falling into bad associations or exposed to moral danger’; or who without lawful excuse does not attend school regularly</p> <p><i>ward</i> – includes a child ‘admitted to government control’, committed to an institution or admitted to a hostel</p> <p><i>Key provisions</i></p> <p>Where a court commits a child or young person to the care of the Minister on the ground that the child is neglected, or a parent has consented to the admission of a child or young person to government control, the child may be apprenticed, boarded out, placed out or placed as an adopted boarder. The court may also commit a neglected child to an institution. If a child committed to an institution may be removed to NSW for detention and maintenance in a State institution. The Minister is the guardian of wards.</p> <p><i>Amended by</i></p> <p><i>Child Welfare Amendment Ordinance 1979 (Cth)</i> – removed powers of Minister to place a ward as an adopted boarder or apprentice. Minister to provide accommodation and maintenance for child admitted to government control. Minister may revoke an admission to government control on the application of a relative.</p> <p><i>Repealed by Children’s Services Ordinance 1986 (Cth)</i></p>	<p><b>Infants Custody and Settlement Ordinance 1956 No. 2 (Cth)</b></p> <p>Repealed <i>Infants Custody and Settlements Act of 1899</i> (NSW). A court may, upon the application of a parent, make such order as it thinks fit regarding the custody of the infant. Where the court is of the opinion that a parent has abandoned, neglected or deserted an infant; so conducted himself/herself that custody should be refused; or the tender age of the infant of his/her state of health render it expedient he/she should remain with his/her mother or some other person then court may decline application for custody. Where a parent has abandoned, deserted or neglected an infant, the parent must satisfy the court that he/she is a fit person to have custody. Where the court is satisfied that a person with custody is unfit to continue because of cruelty or neglect, court may order the infant be given up to the custody of another.</p> <p><i>Repealed by Infants Custody and Settlements (Repeal) Act 1995 (ACT)</i></p>
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1960s	<p><b>Adoption of Children Ordinance 1965 (Cth)</b></p> <p><i>Definitions</i>  <i>child</i> – person under 21</p> <p><i>Key provisions</i>  The welfare and interests of the child are the paramount consideration.</p> <p><i>Repealed by Adoption Act 1993 (ACT)</i></p>
1980s	<p><b>Children’s Services Ordinance 1986 (Cth)</b></p> <p>Replaced <i>Child Welfare Ordinance 1957 (Cth)</i>.</p> <p><i>Definitions</i>  <i>child</i> – person under 18</p> <p><i>in need of care</i> – includes a child who has been or is likely to be physically injured or sexually abused; the living circumstances of the child have impaired or are likely to impair the child’s health or lead to psychological damage; the child is engaging in behaviour likely to be harmful; there no appropriate person to care for child; the child has been abandoned; there is a serious incompatibility between the child and his/her parents or guardian; or the child not attending school and this is likely to be harmful.</p> <p><i>Key provisions</i>  Emphasises strengthening and preserving the relationship between the child and his/her family and the desirability of leaving child in his or her home. Where a court finds that a child is in need of care it may make a supervision order; a residential order; commit the child to an institution; make the child a ward of the Director of Family Services; or refer the child to the Mental Health Tribunal for assessment.</p>
1990s	<p><b>Adoption Act 1993 (ACT)</b></p> <p>An adoption order must be in accordance with the Aboriginal Child Placement Principle.</p>

## 8.

## Northern Territory

## The laws

From 1863 until 1911 the Northern Territory was annexed to South Australia. For legislation applying in the Northern Territory prior to 1895, refer to the South Australian table.

Decade	Laws applying specifically to Aboriginal children	General child welfare laws/adoption laws
1890s		<p><b>State Children's Act 1895 (SA)</b></p> <p>State Children's Council established with responsibility for the care of State children.</p> <p><i>Definitions</i></p> <p><i>State child</i> – includes a destitute child, neglected child and convicted child or any child received into an institution to be apprenticed or placed out. For definitions of 'destitute child' and 'neglected child' see <i>Destitute Persons Act 1881 (SA)</i>.</p> <p><i>Key provisions</i></p> <p>State Children's Council responsible for the care, management and control of State Children and their property, including their apprenticeship, placement and attendance at school until 13 years.</p> <p><i>Repealed by Child Welfare Ordinance 1958 (Cth)</i></p>
		<p><b>Children's Protection Act 1899 (SA)</b></p> <p>Any near relative, guardian or other person who neglects, ill-treats or abandons or fails to provide food, clothing and lodgings for a child liable to imprisonment. A child who has been so treated may be removed to an institution.</p> <p><i>Repealed by Child Welfare Ordinance 1958 (Cth)</i></p>
1910s	<p><b>Northern Territory Aboriginals Act 1910 (SA)</b></p> <p>Established the Northern Territory Aboriginals Department with responsibility for the control and welfare of Aborigines and 'to provide where possible for the custody, maintenance and education of the children of aboriginals'.</p>	

Decade	Laws applying specifically to Aboriginal children	General child welfare laws/adoption laws
	<p><i>Definitions</i></p> <p><i>aboriginal institution</i> – includes a mission station, reformatory, orphanage school, home, reserve, or other institution ‘for the benefit, care and protection of aboriginals or half-castes of the Northern Territory’</p> <p><i>half-caste</i> – the offspring ‘of an aboriginal mother and other than an aboriginal father’ except those people deemed to be ‘aboriginal’</p> <p><i>aboriginal</i> – ‘an aboriginal native of Australia or any of the islands adjacent or belonging thereto, or a half-caste who is living with an aboriginal as wife, husband or child, or a half-caste who, otherwise than as a wife, husband or child, habitually lives or associates with aboriginals or a half-caste whose age does not exceed 16 years’</p> <p><i>Key provisions</i></p> <p>Provides for the removal, detention and re-location of Aboriginal people on reserves. Chief Protector made the legal guardian of every ‘aboriginal child’ notwithstanding that any such child has a parent or living relative, until such child attains the age of 18 except while the child is a State Child (under the <i>State Children’s Act 1895 (SA)</i>). Regulations may be made for the ‘care, custody and education of the children of aboriginals’; providing for the transfer of any ‘aboriginal’ or ‘half-caste’ child to an ‘aboriginal institution’ or industrial school; for the control, care and education of ‘aboriginal’ or ‘half-caste’ children in ‘aboriginal institutions’; for the supervision of such institutions and for the terms of apprenticeship or service for ‘aboriginal children’.</p> <p><i>Repealed by Aboriginals Act 1918</i></p>	



Decade	Laws applying specifically to Aboriginal children	General child welfare laws/adoption laws
	<p><b>Aboriginals Ordinance 1911 (Cth)</b></p> <p>To be read with <i>Aborigines Act 1910</i>. After the Northern Territory became a territory of the Commonwealth on 1/1/1911 all South Australian laws remained in force until altered by a Commonwealth law.</p> <p><i>Key provisions</i></p> <p>Chief Protector may undertake the care, custody or control of any 'aboriginal or half-caste' if in his opinion it is necessary or desirable. A Protector or police officer may take 'any aboriginal or half-caste' into custody if he believes that person is not being properly treated. An 'aboriginal or half-caste' remaining within a prohibited area is guilty of an offence and may be removed.</p> <p><i>Repealed by Aboriginals Ordinance 1918</i></p>	
	<p><b>Aboriginals Ordinance 1918</b></p> <p>Combined the 1910 Act (SA) and the 1911 Ordinance (Cth), giving the Chief Protector wide-ranging powers over Aboriginal people.</p> <p><i>Amended by</i></p> <p><i>Aboriginals Ordinance 1924 (No 2)</i> – amends the definition of aboriginal – a half-caste male under 18 deemed to be an 'aboriginal' until the age of 21.</p> <p><i>Aboriginals Ordinance (North Australia) 1927</i> and <i>Aboriginals Ordinance (Central Australia) 1927</i> – amends the definition of <i>aboriginal</i> – 'a male half-caste whose age exceeds 21 years who in the opinion of the Chief Protector is incapable of managing his own affairs and is declared by the Chief Protector to be subject to this Ordinance'.</p>	
1930s	<p><i>Aboriginals Ordinance 1933</i> – an offence for any males, other than an 'aboriginal or half-caste' to consort with a 'female aboriginal' unless lawfully married (i.e. with permission of Chief Protector).</p>	<p><b>Adoption of Children Ordinance 1935 (Cth)</b></p> <p>Provided for legal adoption of children in the NT for the first time. Court will not recognise consents signed before or within seven days of birth.</p>

Decade	Laws applying specifically to Aboriginal children	General child welfare laws/adoption laws
	<p><i>Aboriginals Ordinance 1936</i> – Chief Protector may declare that a ‘half-caste’ shall be deemed not to be a ‘half-caste’ (revokable).</p> <p><i>Aboriginals Ordinance 1939</i> – Director of Native Affairs replaces Chief Protector.</p> <p><i>Repealed by Welfare Ordinance 1953</i></p>	<p><i>Amended by</i></p> <p><i>Adoption of Children Amendment Act 1984</i> – recognition of traditional Aboriginal marriages.</p> <p><i>Repealed by Adoption of Children Act 1994</i></p>
1950s	<p><b>Aboriginals Ordinance 1953 (No 2)</b></p> <p>Amended definition of ‘aboriginal’ to remove references to ‘half-castes’.</p> <p><i>Key provisions</i></p> <p>Director made the legal guardian of all ‘aboriginals’. Director may declare a person with an ‘aboriginal’ ancestor to be an ‘aboriginal’ if it is in that person’s ‘best interests’ and that person requests the Director to do so. Director to keep a register of persons declared to be ‘aboriginals’.</p> <p><i>Repealed by Welfare Ordinance 1953</i></p> <p><b>Welfare Ordinance 1953–60</b></p> <p>Director of Welfare given extensive powers over the lives of people declared to be ‘wards’. Although the Ordinance made no reference to Aboriginality, the exception of people eligible to vote from the class of people that could be declared to be wards meant that it could only apply to Aboriginal people.</p> <p><i>Key provisions</i></p> <p>The Administrator may declare a person to be a ‘ward’ because that person ‘stands in need of special care and assistance’ owing to that person’s ‘manner of living’; ‘inability, without assistance, adequately to manage his own affairs’; ‘standard of social habit and behaviour’; or ‘personal associations’.</p> <p>No person entitled to vote may be declared a ward. The Director of Welfare made the legal guardian of all wards. The Director to keep a Register of Wards. The Wards Appeal Tribunal to hear appeals against a wardship declaration.</p>	<p><b>Child Welfare Ordinance 1958</b></p> <p>Replaced <i>State Children’s Act 1895</i> (SA). Similar definitions of ‘destitute’ and ‘neglected’ as in the 1895 Act.</p> <p><i>Key provisions</i></p> <p>Director is the legal guardian of every State child to the exclusion of the child’s parent or other guardian. A court may declare a child to be destitute, neglected, incorrigible or uncontrollable and commit the child to the care of the Director or another person, to be sent to an institution or released on probation. A State child who absconds from an institution or other placement is guilty of an offence. The Territory Administrator may declare a mission station, reformatory, orphanage, school, home or other establishment whether within the NT or not as an institution for the purposes of the Ordinance. A State child may be sent to a place within the Commonwealth to be placed under control, trained, educated, cared for and maintained.</p> <p><i>Amended by</i></p> <p><i>Child Welfare Ordinance 1969</i> – Ministers in other States may send State children to the Northern Territory (reciprocal arrangements).</p> <p><i>Repealed by Community Welfare Act 1983</i></p>

Decade	Laws applying specifically to Aboriginal children	General child welfare laws/adoption laws
	<p>If the Director considered it to be in the best interests of the ward, a ward may be taken into custody; detained on a reserve or in an institution; or removed from one reserve or institution to another.</p> <p>The Administrator's authorisation required for the removal of a child under 14 years if it means removal from his/her parents. Director may make orders authorising police to enter, search and remove a child. A non-ward may not habitually live with a ward unless the non-ward is a relation. Director may order a ward not to live with another ward. A male non-ward may not live with or be in the company of a female ward after sunset. A ward may not marry without the consent of the Director. Director may manage property of wards.</p> <p><i>Repealed by Social Welfare Ordinance 1964</i></p>	
1960s	<p><b>Welfare Ordinance 1961</b></p> <p>Extends the definition of ward to include an Aboriginal person under the control of the Qld, WA or SA legislation entering the NT and allows for the removal of wards from the NT.</p> <p><i>Key provisions</i></p> <p>If the removal of a ward would mean the separation of a child under 14 years from his/her parents or the separation of a parent from a child under the age of 15 years, then the court must be satisfied that 'necessary and adequate arrangements have been made for the 'maintenance, education and care of the child'.</p> <p><i>Repealed by Social Welfare Ordinance 1964</i></p>	

Decade	Laws applying specifically to Aboriginal children	General child welfare laws/adoption laws
	<p><b>Social Welfare Ordinance 1964</b></p> <p>Restricted entry to reserves and assistance of the Department of Social Welfare to people who 'in the opinion of the Director are socially or economically in need of assistance'. A welfare officer can suspend the right of an 'aboriginal' to enter or remain on a reserve.</p> <p><i>Repealed by Community Welfare Act 1983</i></p>	

After the *Social Welfare Ordinance 1964*, Aboriginal children were removed under the *Child Welfare Ordinance 1958* and subsequent child welfare legislation.

1980s	<p><b>Community Welfare Act 1983</b></p> <p>Introduced the Aboriginal Child Placement Principle for the first time in legislation in Australia.</p> <p><i>Definitions</i></p> <p><i>child</i> – under 18 years</p> <p><i>child in need of care</i> – 'a child whose parents or guardian have abandoned the child and cannot be found; whose parents are unwilling to maintain the child; who has suffered maltreatment or has engaged in conduct constituting a serious danger to his health and safety; who is excused from criminal responsibility but has persistently engaged in conduct which is harmful to the general welfare of the community measured by commonly accepted community standards as to warrant action'</p> <p><i>maltreatment</i> – includes physical or emotional abuse, severe body malfunctioning and sexual abuse</p> <p><i>Key provisions</i></p> <p>The Minister may grant assistance to a person, family or group. The Minister is to act in accordance with the welfare of the child. In making orders in relation to a child in need of care the court must take account of the Aboriginal Child Placement Principle.</p>	
1990s	<p><b>Adoption of Children Act 1994</b></p> <p>Included the Aboriginal Child Placement Principle. Recognised traditional Aboriginal marriages for the purpose of adoption.</p> <p><i>Regulations</i></p> <p><i>Adoption of Children Regulation 1994</i> – a parent may record wishes regarding the suitability of the adoptive parents and regarding access to the child or giving or receiving information about the child.</p>	

## 8.

## Queensland

## The laws

Decade	Laws applying specifically to Aboriginal children	General child welfare laws/adoption laws
1860s		<p><b>Industrial and Reformatory Schools Act 1865</b></p> <p>Established and regulated industrial and reformatory schools for children under 15 who were 'neglected' or convicted of an offence. Missions were registered as industrial or reformatory schools.</p> <p><i>Definitions</i></p> <p><i>neglected child</i> – includes any child who wanders about; frequents any public place; sleeps in the open air; has no home or settled place of abode; dwells with a reputed thief or drunkard; is supported wholly or in part by charity; and any 'child born of an aboriginal or half-caste mother'</p> <p><i>Key provisions</i></p> <p>A constable may arrest without a warrant any child he considers to be neglected. A court composed of two or more Justices may order a child found to be neglected to be removed from his/her mother and placed in an industrial or reformatory school.</p> <p><i>Amended by</i></p> <p>Industrial and Reformatory Schools Amendment Act 1906 – removes reference to Aboriginal children and extends age of child to 17 years.</p> <p><i>Repealed by State Children Act 1911</i></p>
1870s		<p><b>Orphanages Act 1879</b></p> <p><i>Definitions</i></p> <p><i>destitute</i> – 'any child under the age of twelve years who shall be found in the colony without [its] father or mother or who shall be deserted by its father and mother or whose father or mother shall be unable to support it'.</p> <p><i>Key provisions</i></p> <p>A destitute child may be removed to an orphanage declared under this Act.</p> <p><i>Repealed by State Children Act 1911</i></p>

Decade	Laws applying specifically to Aboriginal children	General child welfare laws/adoption laws
1890s	<p><b>Aboriginal Protection and Restriction of the Sale of Opium Act 1897</b></p> <p>For the 'better protection and care of the aboriginal and half-caste inhabitants of the colony' and 'for restricting the sale and distribution of opium'. Established positions of regional Protectors and later Chief Protector.</p> <p><i>Definitions</i></p> <p><i>half-caste</i> – the 'offspring of an aboriginal mother and other than an aboriginal father'. The term 'half-caste' shall be construed to exclude every half-caste who is 'deemed to be aboriginal'</p> <p><i>aboriginal</i> – 'an aboriginal inhabitant of Queensland'; 'a half-caste living with an aboriginal as wife, husband or child'; 'a half-caste habitually living or associating (otherwise than as husband or wife) with aboriginals'</p> <p><i>Key Provisions</i></p> <p>Minister may order the removal, detention and relocation of Aboriginal people on reserves. Regulations may be made prescribing the mode of removing 'aboriginals' to a reserve and from one reserve to another; providing for the care, custody and education of the children of 'aboriginals'; providing for the transfer of any 'half-caste' child being an orphan or deserted by its parents to an orphanage; prescribing the conditions on which 'aboriginal' or 'half-caste' children may be apprenticed to or placed in service with suitable persons.</p> <p><i>Repealed by Aboriginal Preservation and Protection Act 1939</i></p>	<p><b>Guardianship and Custody of Infants Act 1891</b></p> <p><i>Key provisions</i></p> <p>Where a parent has abandoned or deserted an infant or 'allowed his infant to be brought up by any other person ... as to satisfy the court that the parent was unmindful of his parental duties', the court shall not make an order for the delivery of the infant to the parent unless the parent has satisfied the court 'he is a fit person to have custody'.</p> <p><i>Repealed by Children's Services Act 1965</i></p>
1900s		<p><b>Children's Protection Act 1896</b></p> <p>Applies to boys under 14 and girls under 16. An offence to 'ill treat, neglect, abandon or expose a child' in a 'manner likely to cause such child unnecessary suffering or injury to its health'. Court can deal with a child found to be ill treated, neglected, abandoned or exposed as the 'circumstances may admit and require'.</p> <p><i>Repealed by the Children's Services Act 1965</i></p> <p><b>Infant Life Protection Act 1905</b></p> <p>Any person wishing to adopt a child under the age of 10 may make application to the Director of the State Children Department for permission. The Director must obtain consent in writing of parent, parents or guardian.</p> <p><i>Repealed by State Children Act 1911</i></p>

Decade	Laws applying specifically to Aboriginal children	General child welfare laws/adoption laws
1910s		<p><b>State Children Act 1911</b></p> <p>Replaced the 1865 Act.</p> <p><i>Definitions</i></p> <p><i>State child</i> – a neglected child, convicted child or any other child received into or committed to an institution or to the care of the department or placed out or apprenticed</p> <p><i>Key provisions</i></p> <p>The Director of State Children Department is the guardian of all State children. The Director may place a State child in a receiving depot; detain him/her in an institution registered under this Act; transfer him/her from one institution to another; place out or apprentice him/her; or place him/her in the custody of some suitable person. This action may be taken without reference to parents or relatives of the child.</p> <p><i>Amended by</i></p> <p><i>State Children Act 1917</i> – a court may release a child on probation.</p> <p><i>Repealed by Children’s Services Act 1965</i></p>
1930s	<p><b>Protection of Aboriginals and Restriction of the Sale of Opium Amendment Act 1934</b></p> <p>Extended the provisions of the 1897 Act and the powers of the Chief Protector.</p> <p><i>Definitions</i></p> <p><i>half-caste</i> – ‘any person being the offspring of parents one of whom is an aboriginal or both of whom are half-castes’; ‘any person being the grandchild of grandparents one of whom is an aboriginal or both of whom are half-castes, who lives or associates with aboriginals or who lives as an aboriginal, or who in the opinion of the Chief Protector is in need of the control and protection of this Act’; ‘any person of aboriginal or Pacific Island extraction who lives or associates with aboriginals, or who lives as an aboriginal, or who in the opinion of the Chief Protector is in</p>	<p><b>Adoption of Children Act 1935</b></p> <p>Provides for adoption of ‘infants’ under 21.</p> <p>The Director of the State Children Department is responsible for making an adoption order. Director may dispense with the consent of the child’s parents or guardian if satisfied that a parent or guardian has ‘abandoned or deserted the infant or cannot be found or is incapable of giving consent; has persistently neglected to contribute to support; or is a person whose consent ought, in the opinion of the Director and in all the circumstances of the case, to be dispensed with’.</p> <p><i>Repealed by Adoption of Children Act 1964</i></p>

Decade	Laws applying specifically to Aboriginal children	General child welfare laws/adoption laws
	<p>need of the control or protection of this Act'. The definition excludes any 'half-caste who is deemed to be an aboriginal'</p> <p><i>aboriginal</i> – 'any native inhabitant of Queensland or aboriginal native of any other state or territory residing in Queensland; a half-caste living with an aboriginal husband or wife; a half-caste habitually living or associating with aboriginals; a half-caste who in the opinion of the Minister has not sufficient intelligence to manage his own affairs; a half-caste who in the opinion of a Protector is not yet 21 years'</p> <p><i>Key Provisions</i></p> <p>Every Aboriginal and 'half-caste' child who is an inmate of an institution registered under the State Children Act 1911 shall be under the control and supervision of the Protector'. 'The Minister may from time to time cause any aboriginal or half-caste ... to be removed to any reserve, institution, or district and kept there, or to be removed from any reserve, institution, or district to any other reserve institution or district, and kept there'. This does not apply to any 'aboriginal or half-caste who is lawfully married to and residing with any person who is not an aboriginal or half caste or otherwise subject to this Act'; or 'a half-caste child living with and supported by a parent of such child who is not subject to this Act'. A 'half-caste' may be exempted from the provisions of this Act (revokable). If the Minister is of the opinion that any 'aboriginal' or 'half-caste' is uncontrollable he may order the 'aboriginal' or 'half-caste' to be kept in an institution. 'Any such order is sufficient authority for the Chief Protector, or any Protector, or any person acting under the authority of the Chief Protector or of a Protector, or any officer of police to arrest such aboriginal or half-caste and remove to an institution'.</p>	



Decade	Laws applying specifically to Aboriginal children	General child welfare laws/adoption laws
	<p>Any 'aboriginal or half caste' who is convicted of an offence against the 1897 Act or this Act may be detained in an institution.</p> <p><i>Repealed by Aboriginal Preservation and Protection Act 1939</i></p>	
	<p><b>Aboriginals Preservation and Protection Act 1939</b></p> <p>Repealed the 1897 and 1934 Acts. Established the position of Director of Native Affairs in place of Chief Protector with increased powers.</p> <p><i>Definitions</i></p> <p><i>aboriginal</i> – 'any aboriginal native of the mainland of Australia or any of the islands in the territorial jurisdiction of Australia; any person who has a preponderance of the blood of aboriginals; any half-blood declared by a judge or police Magistrate or two justices to be in need of the protection of this Act and who is ordered to be so protected; any half-blood who lives as wife or husband with an aboriginal or who habitually lives or associates with aboriginals; any resident of a reserve; a child living on a reserve with a mother who is an aboriginal'. An Islander shall not be deemed to be an 'aboriginal' within the meaning of the Act unless he/she is residing on a reserve</p> <p><i>half-blood</i> – 'a person one of whose parents was an aboriginal and whose other parent had no strain of the blood of an aboriginal; or both of whose parents have a strain of aboriginal blood and who himself has a strain of more than 25% of aboriginal blood but who has not a preponderance of such blood'</p> <p><i>Key provisions</i></p> <p>Director of Native Affairs is the 'legal guardian of every aboriginal child under 21'. Director may 'execute agreements between or on the part of aboriginals in the State for the legal custody of aboriginal children by aboriginals or other</p>	

Decade	Laws applying specifically to Aboriginal children	General child welfare laws/adoption laws
	<p>persons who in his opinion are suitable persons to be given legal custody of such children'. Director may cause any 'aboriginals' who are camped near a town to 'remove their camp to such other place as he may direct'. Director may cause any 'aboriginals' to be 'removed from any district to a reserve and kept there for such time as may be ordered' or to be removed from one reserve to another. This power does not apply to 'a half-blood child living with and supported by a parent of such child who is not subject to this Act'. Regulations made for the 'care, custody and education of the children of aboriginals' and prescribing the conditions on which 'aboriginal' children may be apprenticed or placed in service.</p> <p><i>Repealed by Aboriginal and Torres Strait Islander Affairs Act 1965</i></p>	
	<p><b>Torres Strait Islander Act 1939</b></p> <p><i>Definitions</i></p> <p><i>Islander</i> – a 'person of the native race of the Torres Strait Islands'; 'a descendant of the native race of the Torres Strait Islands' who habitually associates with Islanders; a person other than an Islander who is living on a reserve with an Islander as wife or husband; or any such person who habitually associates on a reserve with Islanders</p> <p><i>reserve</i> – 'any Torres Strait Island or part of a Torres Strait Island granted in trust or reserved from sale or lease by the Governor in Council for the benefit of Islanders under the provision of any law in force in Queensland'</p> <p><i>Key provisions</i></p> <p>Director may cause an Islander to be removed from any reserve to another reserve or to a reserve under the Aboriginals Act 1939 and kept there. 'No such removal shall be effected without the recommendation of the Island court'.</p> <p><i>Repealed by Aboriginal and Torres Strait Islander Affairs Act 1965</i></p>	

Decade	Laws applying specifically to Aboriginal children	General child welfare laws/adoption laws
1960s	<p><b>Aboriginal and Torres Strait Islander Affairs Act 1965</b></p> <p>Established position of Director of Aboriginal and Island Affairs in place of Director of Native Welfare. Director is no longer the legal guardian of Aboriginal and Torres Strait Islander children.</p> <p><i>Definitions</i></p> <p><i>Aboriginal</i> – ‘a full blood descendant of the Indigenous inhabitants of the Commonwealth; a person who has a preponderance of the blood of an Aborigine; a part Aborigine who lives as spouse with an Aborigine; a resident of a reserve for Aborigines other than an officer or other person authorised to so reside by the district officer.’</p> <p><i>part Aborigine</i> – ‘person with one parent an Aborigine and the other parent has no strain of the blood of the Indigenous inhabitants of the commonwealth; both of whose parents have a strain of the blood of the indigenous inhabitants of the Commonwealth other than a Torres Strait Islander and who himself has a strain of more than 25% of such blood but who has not a preponderance of such blood’.</p> <p><i>Islander</i> – ‘full blood descendant of the Indigenous inhabitants of the Torres Strait Islands; descendant of the Indigenous inhabitants of any of the Torres Strait Islands other than a full blood descendant thereof who habitually associates with Islanders; a descendant of the Indigenous inhabitants of the Torres Strait Islands who lives as spouse with an Islander; a resident of a reserve for Islanders or of a reserve for Aborigines under such circumstances that he is not deemed to be an Aborigine such resident being other than an officer or other person (having no strain of Island blood) authorised to so reside by the district officer’. An Islander deemed to be an Aborigine if residing on reserve for Aborigines otherwise than as a member of a community comprised exclusively or predominantly of Islanders.</p>	<p><b>Adoption of Children Act 1964</b></p> <p>The Supreme Court is responsible for making an order for adoption. The welfare and interests of the child are the paramount consideration in making an order for adoption. Grounds for dispensing with consent similar to those in 1935 Act and include ‘special circumstances by reason of which the consent may properly be dispensed with’.</p> <p><i>Amended by</i></p> <p><i>Adoption of Children Act 1983</i> – to dispense with consent the court must also be satisfied that the welfare and interests of the child will be promoted if the order is made.</p> <p><b>Children’s Services Act 1965</b></p> <p>Replaced the 1911 Act. Established Department of Children’s Services. Missions and government settlements were licensed as institutions.</p> <p><i>Definitions</i></p> <p><i>child</i> – a person under or apparently under the age of 17</p> <p><i>children in need of care and protection</i> – includes a child who is without a parent or guardian who exercises proper care and guardianship over him/her; is in the custody of a person who is unfit by reason of his conduct and habits to have custody of the child; is found apparently abandoned or loitering or sleeping in a public place and has no visible means of support or no settled place of abode; or is apparently deserted by his parent or guardian</p> <p><i>child in need of care and control</i> – a child who is falling or is likely to fall into a life of vice or crime or addiction to drugs; exposed to moral danger; is or appears to be uncontrollable</p>

Decade	Laws applying specifically to Aboriginal children	General child welfare laws/adoption laws
	<p><i>assisted Aborigine</i> – ‘an Aborigine resident upon a reserve for Aborigines; Aborigine, part Aborigine or person having a strain of Aboriginal blood declared by Director to be an assisted Aborigine and every child of such an Aborigine, part Aborigine or person declared; an Aborigine, part Aborigine or person having a strain of Aboriginal blood declared by a court to be in need of care and every child of such an Aborigine, part Aborigine or person declared; Aborigine or part Aborigine in respect of whom a court orders that care be provided; a child born by or to an assisted Aborigine which child is declared by the Director pursuant to this Act to be an assisted Aborigine.’</p> <p><i>assisted Islander</i> – defined similarly to ‘assisted Aborigine’.</p> <p><i>Key provisions</i></p> <p>Director may order an assisted Aborigine or Islander who is not residing on a reserve ‘to be transferred from any district to a reserve’; and upon the recommendation of an Aboriginal Court of a reserve on which the assisted Aborigine is residing, order the assisted Aborigine to be transferred from such reserve to another reserve for Aborigines. Similar provisions in relation to Islanders.</p> <p>Regulations may be made for the preservation, development, assimilation, integration, education, training and employment of assisted Aborigines and assisted Islanders; the care of children of assisted Aborigines or assisted Islanders other than such children who are in the care, protection or control of the Director of the State Children Department; and the employment and apprenticeship of children of assisted Aborigines or Islanders other than such children who are in the care, protection or control of the Director of the State Children Department.</p> <p><i>Repealed by Aborigines Act 1971 &amp; Torres Strait Islander Act 1971</i></p>	<p><i>Key provisions</i></p> <p>A child found to be in need of care and protection may be admitted to the ‘care and protection’ of the Director of the Department if a court is satisfied that the child’s care and protection cannot be secured by any other order it could make such as ordering a parent or guardian to enter into a recognizance or ordering the Director to have ‘protective supervision’ over the child. The Director has guardianship of a child admitted to his/her care and protection. Similar powers in relation to a child in ‘need of care and control’. Once admitted to the care and protection of the Director the child may be placed, in the best interests of the child, with the child’s parents, a relative or friend, in an institution licensed under the Act or in a hostel. The Director may grant financial assistance to a family to help care for a child.</p>

Decade	Laws applying specifically to Aboriginal children	General child welfare laws/adoption laws
1970s	<p><b>Aborigines Act 1971</b></p> <p>Abolished status of 'assisted Aborigine'. Established Director of Aboriginal and Island Affairs. An offence to be on a reserve unless entitled under the Act to be there. A permit may be revoked by the Aboriginal council established for that reserve or by the Director. Regulations may be made with respect to the development, assimilation, integration, education, training and preservation of Aborigines; the care of children (being Aborigines) other than those who are in the care and protection or control of the Director of Children's Services.</p> <p><i>Repealed by Community Services (Aborigines) Act 1984</i></p>	
	<p><b>Torres Strait Islander Act 1971</b></p> <p>Abolished the status of assisted Islander. Similar provisions to the <i>Aborigines Act 1971</i>.</p> <p><i>Repealed by Community Services (Torres Strait) Act 1984</i></p>	

After the *Aboriginal and Torres Strait Islander Affairs Act 1965*, Indigenous children were removed from their families under the *Children's Services Act 1965*. On reserves the dormitory system continued under the 1971 Acts.

1980s	<p><b>Adoption of Children (Amendment) Act 1987</b></p> <p>Amended the <i>Adoption of Children Act 1965</i> to provide that the Director 'shall have regard to the indigenous or ethnic background and cultural background of the child'.</p>
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## 8.

## South Australia

## The laws

Decade	Laws applying specifically to Aboriginal children	General child welfare laws/adoption laws
1840s	<p><b>An Ordinance for the Protection, Maintenance and Upbringing of Orphans and other Destitute Children and Aborigines Act 1844</b></p> <p><i>Key provisions</i></p> <p>The Protector of Aborigines made the legal guardian of every 'aboriginal and half-caste child' whose parents are dead or unknown, or one of whom agrees, until the age of 21. Any two Justices, with the consent of the Governor and one of the parents, may apprentice 'any half-caste or other aboriginal child having obtained a suitable age' until the age of 21 provided that 'due and reasonable provision is made for the maintenance, clothing and humane treatment of any apprentice.'</p> <p><i>Repealed by Aborigines Act 1911</i></p>	
1880s		<p><b>Destitute Persons Act 1881</b></p> <p><i>Definitions</i></p> <p><i>child</i> – a boy under 16 or girl under 18 years</p> <p><i>destitute child</i> – a child who has no sufficient means of subsistence apparent to the Destitute Board or two Justices or whose relatives are in indigent circumstances</p> <p><i>neglected child</i> – a child found begging, wandering, sleeping in the open air, without home or settled abode; who resides in a brothel or associates with any known or reputed prostitute (whether the mother of the child or not); who dwells with a known thief, drunkard or any person convicted of vagrancy (not being the parent of the child); who has been convicted of an offence and ought in the Justices' opinion be placed in an Institution; or an illegitimate child whose mother and/or friends cannot maintain the child</p>

Decade	Laws applying specifically to Aboriginal children	General child welfare laws/adoption laws
		<p><i>Key provisions</i></p> <p>Two Justices may commit a destitute or neglected child to an industrial school to be detained until the age of 16 years (boys) or 18 years (girls). Destitute Board may apprentice children, manage their wages and property, licence foster mothers and supervise education, work and discipline.</p> <p><i>Amended by</i></p> <p><i>Destitute Persons Act Amendment Act 1886</i> – introduced term ‘State child’ for destitute and neglected children. Established the State Children’s Council to replace the Destitute Persons’ Board. Ages for detention of boys and girls made uniform (under 18 years).</p> <p><i>Repealed by State Children’s Act 1895</i></p>
1890s		<p><b>State Children’s Act 1895</b></p> <p>State Children’s Council established with responsibility for the care of State children.</p> <p><i>Definitions</i></p> <p><i>State child</i> – includes a destitute child, neglected child and convicted child or any child received into an institution to be apprenticed or placed out.</p> <p>For definitions of ‘destitute child’ and ‘neglected child’ see <i>Destitute Persons Act 1881</i>.</p> <p><i>Key provisions</i></p> <p>State Children’s Council responsible for the care, management and control of State children and their property, including their apprenticeship, placement and attendance at school until 13 years.</p> <p><i>Repealed by Child Welfare Ordinance 1958</i></p>

Decade	Laws applying specifically to Aboriginal children	General child welfare laws/adoption laws
		<p><b>Children’s Protection Act 1899</b></p> <p>An offence for a near relative or other person having the care, custody or control of a child to neglect to provide food, clothing and lodging for the child; to ill-treat, neglect, abandon or expose the child or cause the child to be so treated. A child found by a court to be so treated may be removed to an institution.</p> <p><i>Repealed by Children’s Protection Act 1936</i></p>
1910s	<p><b>Aborigines Act 1911</b></p> <p>Established the position of Chief Protector of Aboriginals and a system of regional Protectors.</p> <p><i>Definitions</i></p> <p><i>half-caste</i> – ‘the offspring of an aboriginal mother and other than an aboriginal father’</p> <p><i>aboriginal</i> – an ‘aboriginal native of Australia or of any of the islands adjacent or belonging thereto’; ‘a half-caste who lives with such an aboriginal native as wife or husband’; ‘a half-caste who ... habitually lives or associates with such aboriginal natives’; or ‘a half-caste child whose age does not apparently exceed sixteen years’. The term ‘half-caste’ for the purposes of the definition of ‘aboriginal’ includes any person ‘either of whose parents is or was an aboriginal and any child of any such person’</p> <p><i>Key provisions</i></p> <p>Aboriginals Department to provide for the ‘custody, maintenance and education of the children of aboriginals’ and to ‘exercise a general supervision and care over all matters affecting the well-being of aboriginals’. Chief Protector is the legal guardian of ‘every aboriginal and half-caste child, notwithstanding that any such child has a parent or other relative living’ until the age of 21 years, except while the child is a ‘State child’ within the meaning of the <i>State Children Act 1895</i>.</p>	



Decade	Laws applying specifically to Aboriginal children	General child welfare laws/adoption laws
	<p>Each regional Protector is the local guardian of every child within his district. The Chief Protector 'may cause every aboriginal or half-caste to be kept within the boundaries of any reserve or aboriginal institution, or to be removed to and kept within the boundaries of any reserve or aboriginal institution, or to be removed from one reserve or aboriginal institution to another'. An 'aboriginal or half-caste who refuses to be so removed' commits an offence. A medical practitioner may order the removal of an 'aboriginal or half caste' child to any 'lock-hospital'. Regulations may be made for the 'care, custody and education of the children of aboriginals and half-castes'; 'enabling any aboriginal or half-caste child to be sent to and detained in an aboriginal institution or industrial school'; and prescribing the conditions on which 'aboriginal or half-caste children' may be apprenticed.</p> <p><i>Repealed by Aborigines Act 1934</i></p>	
1920s	<p><b>Aborigines (Training of Children) Act 1923</b></p> <p>Expanded the definitions of 'aboriginal' and 'half-caste' in the 1911 Act. Provided for the removal of an 'aboriginal child' to an institution under the control of the State Children's Council.</p> <p><i>Definitions</i></p> <p><i>aboriginal</i> – also includes 'a half-caste child whose age does not apparently exceed eighteen years'</p> <p><i>half-caste</i> – also includes 'any person, any of whose progenitors (whether male or female) was an aboriginal and who in the opinion of the Chief Protector, ought to be dealt with under this Act'</p> <p><i>aboriginal child</i> – a person under the age of 18 years who is 'an aboriginal native of Australia or of any of the islands adjacent or belonging thereto' or 'a half-caste'</p>	<p><b>Adoption of Children Act 1925</b></p> <p>Introduced a system of legal adoption of children in South Australia for children under the age of 15 years.</p> <p><i>Repealed by Adoption of Children Act 1966/67.</i></p> <p><b>Maintenance Act 1926</b></p> <p>[also known as the Social Welfare Act 1926]</p> <p><b>Consolidated Destitute Persons Act 1881–1886 and State Children Act 1895–1918.</b></p> <p>Made provision for granting assistance to mothers for the maintenance of their children. State Children Council replaced by Children's Welfare and Public Relief Board.</p>

Decade	Laws applying specifically to Aboriginal children	General child welfare laws/adoption laws
	<p><i>Key provisions</i></p> <p>The Chief Protector 'may ... commit any aboriginal child to any institution within the meaning of the <i>State Children Act 1895</i>, ... to be there detained or otherwise dealt with under the said Act until such child attains the age of eighteen years'. Applies to legitimate 'aboriginal' children who have obtained a qualifying certificate under the <i>Education Act 1915</i> or who are at least fourteen years old and all illegitimate children irrespective of age who in the opinion of the Chief Protector and the State Children's Council are neglected.</p> <p><i>Repealed by Aborigines Act 1934</i></p>	<p><i>Amended by</i></p> <p><i>Maintenance Act Amendment Act 1965</i> – Children's Welfare and Public Relief Board replaced by Social Welfare Advisory Board. A child may no longer be removed on the ground of destitution but an 'uncontrollable child' may be. An 'uncontrollable child' is one who has acquired or is likely to acquire habits of immorality, vice or crime and whose parents or guardians appear unable or unwilling to exercise adequate supervision or control.</p> <p><i>Repealed by Community Welfare Act 1972</i></p>
1930s	<p><b>Aborigines Act 1934</b></p> <p>Combined the provisions of the 1911 Act and the 1923 Act. No significant alterations to the powers or duties of the Chief Protector.</p> <p><i>Definitions</i></p> <p><i>aboriginal</i> – similar to definition in 1911 Act but includes a 'half-caste child' under the age of 18 years</p> <p><i>half-caste</i> – includes any person either of whose parents 'is or was an aboriginal native of Australia or of any of the islands adjacent or belonging thereto and any child of any such person'. It does not include a person who comes within the definition of 'aboriginal'</p> <p><i>Key provisions</i></p> <p>Chief Protector may commit any 'aboriginal child to any institution within the meaning of the <i>Maintenance Act 1926</i> ... to be there detained or otherwise dealt with under the said Act until such child attains the age of eighteen years'. The child may then be dealt with as a neglected child under the <i>Maintenance Act</i>. These provisions only apply to legitimate 'aboriginal' children who have either obtained a qualifying certificate within the meaning of the <i>Education Act 1915</i> or attained the age</p>	<p><b>Children's Protection Act 1936</b></p> <p>Similar to 1899 Act.</p> <p><i>Repealed by Community Welfare Act 1972</i></p>

Decade	Laws applying specifically to Aboriginal children	General child welfare laws/adoption laws
	<p>of fourteen years, and illegitimate 'aboriginal' children who, in the opinion of the Chief Protector and the Children's Welfare and Public Relief Board are neglected or otherwise proper persons to be dealt with under this Act'. Chief Protector has similar powers to remove 'aboriginals' and 'half-castes' as in 1911 Act.</p> <p><i>Repealed by Aboriginal Affairs Act 1962</i></p> <p><b>Aborigines Act Amendment Act 1939</b></p> <p>Position of Chief Protector replaced by the Aborigines Protection Board. Each member of the Board to be a Protector of Aborigines for the whole of the state. System of regional Protectors continued. Definition of 'aborigine' expanded and ceased to distinguish 'half-castes'. Established a system of exemptions from the jurisdiction of the Act.</p> <p><i>Definitions</i></p> <p><i>aborigine</i> – every person 'who is of the full blood descended from the original inhabitants of Australia' or 'who being of less than full blood is descended from the original inhabitants of Australia' unless exempted</p> <p><i>Key provisions</i></p> <p>'Where the board is of the opinion that any aborigine by reason of his character and standard of intelligence and development should be exempted from the provisions of this Act, the board may ... declare that the aborigine shall cease to be an aborigine for the purposes of this Act'. Exemptions may be conditional and revokable for three years or unconditional and irrevocable.</p> <p><i>Repealed by Aboriginal Affairs Act 1962</i></p>	
1960s	<p><b>Aboriginal Affairs Act 1962</b></p> <p>Aborigines Protection Board replaced by Aboriginal Affairs Board. The new Board ceased to be the legal guardian of Aboriginal children.</p>	<p><b>Juvenile Courts Act 1965/6</b></p> <p>A Juvenile Court may commit a child to an institution or to the care of the Minister if a complaint charging a child with being a neglected or uncontrollable child is proved.</p>

Decade	Laws applying specifically to Aboriginal children	General child welfare laws/adoption laws
	<p><i>Definitions</i></p> <p><i>Aboriginal</i> – ‘every person who is of the full blood descended from the original inhabitants of Australia, other than a person whose name is removed from the Register of Aborigines’</p> <p><i>person of Aboriginal Blood</i> – every person of ‘less than full blood, ... descended from the original inhabitants of Australia, and every person whose name is removed from the Register of Aborigines and his direct descendants’</p> <p><i>Key provisions</i></p> <p>The duties of the Minister for Aboriginal Affairs include the management and regulation of reserves; general supervision and care over all matters affecting the welfare of Aborigines and persons of Aboriginal blood; ‘in his absolute discretion to provide, in cases of need, when possible, for the maintenance and education of the children of Aborigines and persons of Aboriginal blood’; and ‘to promote the social, economic and political development of Aborigines and persons of Aboriginal blood until their integration into the general community. The Board is to establish and maintain a Register of Aborigines and has the power to remove names of those persons ‘who, in its opinion, are capable of accepting the full responsibilities of citizenship’. An applicant whose name the Board refuses to remove may appeal to a special magistrate.</p> <p><i>Amended by</i></p> <p><i>Aboriginal Affairs Act Amendment Act 1966/7</i> – provided for the establishment of Aboriginal Reserve Councils.</p> <p><i>Aboriginal Affairs Act Amendment Act 1968</i> – abolished the Register of Aborigines.</p> <p><i>Repealed by Community Welfare Act 1972</i></p>	<p>To be read with <i>Maintenance Act 1926–65</i>.</p> <p><i>Repealed by Juvenile Courts Act 1971</i></p> <p><b>Adoption of Children Act 1966/7</b></p> <p>Replaces previous adoption legislation.</p> <p><i>Repealed by Adoption of Children Act 1988</i></p>

After the *Aboriginal Affairs Act 1962*, Aboriginal children were removed under the *Maintenance Act 1926* and subsequent child welfare legislation.

1970s	<p><b>Juvenile Courts Act 1971</b></p> <p>Establishes Juvenile Aid Panels to deal with truants and uncontrollable children. The Panel may recommend that a matter be referred to a Juvenile Court or may deal with the matter directly.</p> <p><i>Repealed by Children's Protection and Young Offenders Act 1979</i></p>
	<p><b>Community Welfare Act 1972 [also known as Family and Community Services Act 1971]</b></p> <p>Repeals <i>Social Welfare Act 1926–71</i>, <i>Aboriginal Affairs Act 1962–68</i> and <i>Children's Protection Act 1936–69</i>.</p> <p><i>Definitions</i></p> <p><i>uncontrollable child</i> – one whose parents or guardians appear unable or unwilling to exercise adequate supervision and control and who is in need of care and control</p> <p><i>Aboriginal</i> – person wholly or partly descended from those who inhabited Australia prior to European colonization</p> <p><i>Key provisions</i></p> <p>A child committed to care may be placed with his/her parents, approved foster parents, a 'house', hospital, mental hospital or as the case may require. In the placement of children the interests of the child are the paramount consideration. Assistance may be granted to families and persons in need.</p> <p><i>Amended by</i></p> <p><i>Community Welfare Act Amendment Act 1973</i> – removes Minister's power to manage property of Aboriginal people and communities.</p> <p><i>Community Welfare Act Amendment Act 1976</i> – notification requirements in relation to suspected neglect, abuse.</p> <p><i>Community Welfare Act Amendment Act 1981</i> – definition of 'Aboriginal' deleted.</p> <p><i>Community Welfare Amendment Act 1982</i> – in the administration of the Act account to be taken of 'the different customs, attitudes and religious beliefs of the ethnic groups within the community'.</p>
	<p><b>Children's Protection and Young Offenders Act 1979</b></p> <p>Where the Minister is of the opinion that a child is in need of care because he/she is maltreated, neglected, the child's guardians are unwilling or unable to exercise supervision or to maintain the child, or the child's guardians have abandoned him/her or cannot be located, the Minister may apply to the Children's Court for a declaration that the child is in need of care.</p> <p><i>Repealed by The Status Repeal and Amendment (Children Protection and Young Offenders) Act 1993</i></p>
1980s	<p><b>Adoption Act 1988</b></p> <p>Introduces Aboriginal Child Placement Principle. Traditional Aboriginal marriages recognised for the purpose of adoption.</p>
1990s	<p><i>Youth Court Act 1993</i>, <i>Young Offenders Act 1993</i> and <i>Children's Protection Act 1993</i> Acts include Aboriginal Child Placement Principle.</p>

## 8.

## Tasmania

## The laws

Decade	Laws applying specifically to Aboriginal children	General child welfare laws/adoption laws
1890s		<b>The Prevention of Cruelty to and Better Protection of Children Act 1895</b> <i>Repealed by Infants' Welfare Act 1935</i>
		<b>Youthful Offenders, Destitute and Neglected Children's Act 1896</b> <i>Repealed by The Children of the State Act 1918</i>
1900s		<b>Infant Life Protection Act 1907</b> <i>Repealed by The Children of the State Act 1918</i>
1910s	<p><b>Cape Barren Island Reserve Act 1912</b></p> <p>An Act 'to provide for the subdivision of the Cape Barren Island reserve and for occupation of portion thereof by the descendants of Aboriginal natives'.</p> <p><i>Key provisions</i></p> <p>Secretary for Lands responsible for promoting welfare and well-being of residents of the reserve. Cape Barren Island reserve, which was created in 1881, to be subdivided into homestead and agricultural blocks. Persons named in schedule and their widows and descendants may make application for licences to occupy land free of rent. Residents required to reside continuously in their houses for six months each year. Licences may be bequeathed to widow or descendants but if widow who is a licensee marries 'a white man' all her rights to the licence cease. Persons over 21 years who are not licensed occupiers or lessees may be removed from reserve. 'In order to encourage the settlement of the half-castes in other parts of Tasmania outside the Reserve' an applicant may be granted a licence to occupy Crown land elsewhere in Tasmania. Regulations may be made for the control of residents upon the reserve.</p> <p><i>Repealed by Cape Barren Island Reserve Act 1945</i></p>	<p><b>The Children of the State Act 1918</b></p> <p><i>Repealed by Infants' Welfare Act 1935</i></p>

Decade	Laws applying specifically to Aboriginal children	General child welfare laws/adoption laws
		<p><b>Adoption of Children Act 1920</b></p> <p>Provided for the legal adoption of children under the age of 17 years for the first time in Tasmania. Police Magistrates given the power to make an adoption order but the Registrar-General may also exercise the power. The written consent of parents or legal guardian required unless the child is a child of the State or a 'deserted child'. A deserted child is 'any child who, in the opinion of a police Magistrate, is deserted and has ceased to be cared for and maintained by its parents or by such one of them as is living'.</p> <p><i>Amended by</i>  <i>Adoption of Children Act 1941</i> – age of a 'child' for adoption raised to 21 years.</p>
1940s	<p><b>Cape Barren Island Reserve Act 1945</b></p> <p>Islanders required to develop and cultivate land on Cape Barren Island within the following five years or it reverts to the Crown.</p> <p><i>Key provisions</i></p> <p>Surveyor-General to 'manage and regulate the use and enjoyment of the Reserve' and 'exercise a general supervision and care over all matters affecting the interests and welfare of the residents of the Reserve'. Leases to contain covenants that lessor will make substantial improvements to the land, fence and cultivate the land and that his wife and family will reside on it for at least nine months per year. Lessee may bequeath lease to a member of his family, which comprises only his wife and children, living on the reserve at the time of death. Any person over the age of 21 who is not a lessee, or the son of a lessee who is permanently employed by and receiving wages from a lessee, may be removed from the reserve. Regulations may be made for the peace, order and good government of the reserve.</p> <p><i>Expired 1951</i></p>	

After 1935, Aboriginal children were taken from Cape Barren Island and surrounding islands under the *Infants Welfare Act 1935* and subsequent child welfare legislation.

1930s	<p><b>Infants Welfare Act 1935</b></p> <p>'An Act to consolidate and amend the Law relating to Welfare of Children and the Protection of Infant Life'.</p> <p><i>Definitions</i></p> <p><i>child</i> – any boy or girl under the age of 17 years</p> <p><i>child of the State</i> – a convicted or neglected child or any other child received into or committed to an institution or to the care of the Social Services Department</p> <p><i>neglected child</i> – includes a child who associates with a thief or a drunkard; who begs in a public place; who is not provided with the necessary food, nursing, clothing, medical aid and lodging or is neglected, ill-treated, or exposed by one or both of his parents; who is an habitual truant; who is found by a children's court to be uncontrollable, who is illegitimate and whose mother is dead or unable to take charge of him/her; whose home, 'by reason of the neglect, cruelty, or depravity' of either of his parents, is an unfit place for a child</p> <p><i>Key provisions</i></p> <p>A child may be apprehended as neglected and detained in a receiving home or other specified place to be taken before a children's court. The court may commit a neglected or uncontrollable child to the care of the Social Services Department or to an institution. Where a child is charged with being neglected or uncontrollable, the parents have a right to be heard, but if the parents do not appear the court can hear the matter without them. A child may also be admitted to the care of the director on the application of his/her parent or near relative or any person of good repute to be dealt with in the same way as a neglected or uncontrollable child. The Director of Social Services is the guardian of every child of the State and may place a child in a receiving home or in an institution; board-out, apprentice or place the child in service; or place the child in the custody of a suitable person. An offence to wilfully ill-treat, neglect, abandon or expose a child; communicate with a child in an institution; or, being a near relative liable to maintain a child, to desert the child or leave the child without adequate means of support.</p> <p><i>Repealed by Child Welfare Act 1960</i></p>
1940s	<p><b>Domestic Assistance Services Act 1947</b></p> <p>Established a domestic assistance service to assist in homes where the mother is unable to undertake 'ordinary domestic duties by reason of pregnancy or maternity, or by reason of accident, sickness or infirmity of any kind' or where the lack of domestic assistance service in the home is a cause of hardship'</p>
1960s	<p><b>Child Welfare Act 1960</b></p> <p>Replaced the 1935 Act. Under this Act honorary child welfare officers may be appointed. In 1966 there was an honorary child welfare officer appointed on Flinders Island.</p>



	<p><i>Definitions</i></p> <p><i>neglected</i> – similarly defined to 1935 Act. In practice the only grounds now used are that the child’s parents or guardians are ‘unfit to exercise care or guardianship’ or are not exercising it and the child is in need of care or protection, in order to secure that he/she is properly cared for or that he/she is prevented from falling into ‘bad associations or from being exposed to moral danger’; or the child is ‘beyond the control of parents or guardians with whom he is living’. Proper care and guardianship deemed not to be exercised if the child is not provided with necessary food, lodging, clothing, medical aid or nursing or the child is neglected, ill-treated or exposed by a parent or guardian</p> <p><i>Key provisions</i></p> <p>Children’s court may declare a child found to be neglected, or brought before it ‘on the application of a parent, guardian or relative of the child or a person of good repute having the care and custody of the child’, to be a ward or make a supervision order which requires the child to be under the supervision of a child welfare officer or probation officer.</p> <p><i>Amended by</i></p> <p><i>Child Welfare Act 1963</i> – deleted the power of a ‘person of good repute’ to apply for a child to be made a ward.</p>
	<p><b>Adoption of Children Act 1968</b></p> <p>Consolidated and amended the previous laws relating to adoption. The Registrar-General may no longer exercise the powers of a police Magistrate in relation to adoption. Before an adoption order is made a report must be made regarding the proposed adoption by the Department of Social Welfare or an approved private adoption agency. The welfare and interests of the child must be served by the adoption. The only agency approved under this Act was the Catholic Private Adoption Agency.</p> <p><i>Repealed by Adoption of Children Act 1988</i></p>
1970s	<p><b>Child Protection Act 1974</b></p> <p>Where it appears to a court that a child under 12 years may have suffered injury as a result of cruel treatment the Magistrate may order that the child be taken to a ‘place of safety’ for up to 30 days. Application may be heard <i>ex parte</i>. Where a court is satisfied that the child has also suffered injury through ill treatment the magistrate may declare the child to be a ward of the State.</p>
1980s	<p><b>Adoption of Children Act 1988</b></p> <p>Replaced 1968 Act. Includes provisions enabling adult adoptees to obtain information about themselves.</p>

## 8.

## Victoria

## The laws

Decade	Laws applying specifically to Aboriginal children	General child welfare laws/adoption laws
1860s	<p><b>Aborigines Protection Act 1869</b></p> <p>Established the Board for the Protection of Aborigines.</p> <p><i>Definitions</i></p> <p><i>Aboriginals</i> – ‘every aboriginal native of Australia and every aboriginal half-caste or child of a half-caste, such half-caste or child habitually associating or living with aboriginals’</p> <p><i>Key provisions</i></p> <p>Local committees and local guardians may be appointed to perform functions under the Act. Governor may make regulations for prescribing the place where ‘aboriginal tribes’ may live or reside; employment of ‘aboriginals’; and for the ‘care, custody and education of the children of aborigines’.</p> <p><i>Regulations</i></p> <p><i>Aborigines Protection Regulations 1871</i> – relate to declaration of reserves (places of residence); wages to be paid directly to the local guardian; Governor may order the removal of any child neglected by its parents or left unprotected to any of the places of residence or to an industrial or reformatory school.</p> <p><i>Aborigines Protection Regulations 1880</i> – relate to compulsory schooling and residence of children on stations.</p> <p><i>Repealed by Aborigines Act 1890</i></p>	<p><b>Neglected and Criminal Children’s Act 1864</b></p> <p>Established and regulated industrial and reformatory schools for ‘neglected’ children.</p> <p><i>Definitions</i></p> <p><i>child</i> – boy or girl under 15 years</p> <p><i>neglected child</i> – a child found begging, wandering about or frequenting any thoroughfare or tavern, sleeping in the open air and who has no settled place of abode or means of subsistence; residing in any brothel or associating or dwelling with any person, known or reputed to be a thief, prostitute or drunkard or a person convicted of vagrancy; a child having committed an offence and who, in the opinion of the Justices, ought to be sent to an industrial school; an inmate of an immigrants’ home or a child whose parent cannot control him/her and want him/her to be placed in an industrial school</p> <p><i>Key provisions</i></p> <p>Police may apprehend a child suspected of being neglected who must be brought immediately before two or more Justices. Justices may order child to be put out to service on conditions or detained in an industrial school for between one and seven years. Parents liable to contribute to support of inmates of schools.</p> <p><i>Amended by</i></p> <p><i>Neglected and Criminal Children’s Amendment Act 1874</i> – children under 6 years may be detained in an industrial school; ‘immoral or depraved’ child may be sent to a reformatory school; neglected children may be detained up to the age of 16 years; child may be boarded out or apprenticed.</p> <p><i>Neglected and Criminal Children’s Amendment Act 1878</i> – neglected children may be transferred from industrial to reformatory schools; a child may be detained until the age of 18 years.</p> <p><i>Repealed by Juvenile Offenders Act 1887</i></p>

Decade	Laws applying specifically to Aboriginal children	General child welfare laws/adoption laws
1880s	<p><b>Aborigines Protection Act 1886</b></p> <p>Extended application of the 1869 Act but provided that ‘half-castes’ were to be treated differently from ‘aboriginals’.</p> <p><i>Definitions</i></p> <p><i>half-caste</i> – includes as well as ‘half-castes’, all other persons whatever of ‘mixed aboriginal blood’ but excluding those deemed ‘aboriginals’</p> <p><i>aboriginal</i> – ‘every aboriginal native of Victoria, every half-caste who habitually associates or lives with an aborigine having completed the thirty-fourth year of his or her age’; ‘every female half-caste who has been married to an aboriginal and living with such aboriginal’; ‘every infant unable to earn his or her own living’ who is ‘the child of an aboriginal living with an aboriginal’; and ‘any half-caste who holds a license to reside with aboriginals’</p> <p><i>Key provisions</i></p> <p>A ‘half-caste’ may be supplied by the Board with rations (3yrs), money (3yrs), clothing (5yrs) and blankets (7yrs) for up to the period specified after commencement of this Act. A ‘half-caste’ may be licensed to reside with Aborigines and be maintained in a place of residence. Regulations may be made concerning the conditions under which ‘half-caste’ children may be apprenticed or licensed, the transfer of any ‘half-caste’ child (being an orphan) to the care of the Department for Neglected Children or any institution.</p> <p><i>Repealed by Aborigines Act 1890</i></p>	<p><b>Neglected Children’s Act 1887</b></p> <p>Maintained general provisions of 1864 Act regarding apprehension and committal of neglected children. Introduced system of guardianship for children committed to care on ground of neglect.</p> <p><i>Repealed by Neglected Children’s Act 1890</i></p>
1890s	<p><b>Aborigines Act 1890</b></p> <p>Consolidation Act only.</p> <p><i>Regulations</i></p> <p><i>Aborigines Regulation 1899</i> – Governor may, for the better care, custody and education of any ‘aboriginal’ child, order that child be transferred to the care of the Department for Neglected Children or the Department for Reformatory Schools.</p>	<p><b>Neglected Children’s Act 1890</b></p> <p>Consolidation of 1887 Act.</p>

Decade	Laws applying specifically to Aboriginal children	General child welfare laws/adoption laws
	<p><i>Aborigines Regulation 1908</i> – orphan ‘half-caste’ children who are not required by the station manager may be transferred to an orphanage.</p> <p><i>Repealed by Aborigines Act 1915</i></p>	
		<p><b>Infant Life Protection Act 1890</b></p> <p>Established a system of regulation of non-parental carers of young children.</p> <p><i>Repealed by Neglected Children’s Act 1915</i></p>
1900s		<p><b>Children’s Court Act 1906</b></p> <p>Created a separate court system to deal with children under the age of 17 years charged with neglect.</p> <p><i>Repealed by Neglected Children’s Act 1915</i></p>
1910s	<p><b>Aborigines Act 1910</b></p> <p><i>Key provisions</i></p> <p>The powers of the Board with respect to ‘aboriginals’ extended to ‘half-castes’.</p> <p><i>Repealed by Aborigines Act 1915</i></p>	<p><b>Neglected Children’s Act 1915</b></p> <p>Consolidation of 1890 Act.</p> <p><i>Repealed by Child Welfare Act 1928</i></p>
	<p><b>Aborigines Act 1915</b></p> <p>Consolidation Act only.</p> <p><i>Regulations</i></p> <p><i>Aborigines Regulation 1916</i> – Similar to 1899 Regulations.</p> <p>‘All quadroon, octoroon and half-caste lads over 18 on the Board Stations shall leave and shall not be allowed on the Station or reserve again except for brief visits to family at the discretion of the Station manager’.</p> <p><i>Repealed by Aborigines Act 1928</i></p>	<p><b>Infant Life Protection Act 1915</b></p> <p>Consolidation of 1890 Act.</p> <p><i>Repealed by Child Welfare Act 1928</i></p> <p><b>Children’s Maintenance Act 1919</b></p> <p>Prior to this Act mothers in this position would have to arrange for a court to declare their children to be ‘neglected’ and committed to the care of the Department. The Department would then ‘board them back’ with their mothers who would receive the boarding out allowance from the Department.</p> <p><i>Definitions</i></p> <p><i>child</i> – under 14 years.</p> <p><i>Key provisions</i></p> <p>The mother of a child may apply to the Secretary of the Department for Neglected Children for weekly financial support to assist her to care for the child.</p> <p><i>Repealed by Children’s Welfare Act 1928</i></p>

Decade	Laws applying specifically to Aboriginal children	General child welfare laws/adoption laws
1920	<p><b>Aborigines Act 1928</b></p> <p>Consolidation Act only.</p> <p><i>Regulations</i></p> <p><i>Aborigines Regulation 1931</i> – similar to 1916 regulation.</p> <p><i>Repealed by Aborigines Act 1957</i></p>	<p><b>Children’s Welfare Act 1928</b></p> <p>Consolidation.</p> <p><i>Repealed by Children’s Welfare Act 1954</i></p> <p><b>Adoption of Children Act 1928</b></p> <p>Provided for legal adoption of children in Victoria for the first time.</p> <p><i>Repealed by Adoption of Children Act 1958</i></p>
1930s		<p><b>Children’s Welfare Amendment Act 1933</b></p> <p>Definition of ‘neglected’ altered to include a child living under conditions that means he/she is likely to lapse into a career of vice or crime; the child’s guardian is unfit by reason of his conduct or habits, or (if female) is soliciting or behaving in an indecent manner; a child wandering about the streets at night without lawful cause after a member of the police force has warned the child to cease; or a child engaged in street trading’.</p> <p><i>Repealed by Children’s Welfare Act 1954</i></p>
1950s	<p><b>Aborigines Act 1957</b></p> <p>Established Aborigines Welfare Board. Its function is ‘to promote the moral, intellectual and physical welfare of aborigines (full blood and half-caste) with a view to their assimilation in the general community’.</p> <p><i>Key provisions</i></p> <p>Board given powers to distribute money, clothing, bedding, rations relief and medical or other attention of a similar nature, manage and regulate reserves, make regulations concerning the control of ‘aborigines’ and reserves. (No specific power in relation to children).</p> <p><i>Regulations</i></p> <p>Board may issue a permit to an Aborigine to reside on reserve (wife and children under 18 years included).</p>	<p><b>Children’s Welfare Act 1954</b></p> <p>Introduced a system of regulation for non-government children’s institutions.</p> <p><i>Definitions</i></p> <p><i>in need of care</i> – replaces the definition of neglected child and adds to previous definition ‘takes part in any public exhibition or performance which is likely to endanger life or limb, is exposed to moral danger or who habitually truants’</p> <p><i>Key provisions</i></p> <p>Children’s Court to determine whether a child or young person is in need of care. Police can arrest without warrant any child or young person suspected of being in need of care and bring the child before a Children’s Court to be committed to the care of the Department. Director can make a range of placements including institutions, private homes, employment or service etc.</p>

Decade	Laws applying specifically to Aboriginal children	General child welfare laws/adoption laws
	<p>Police can remove people without a permit. Permission of Board required to employ Aborigines.</p> <p><i>Repealed by Aborigines Act 1958</i></p>	<p>Non-government children's institutions must be registered with the Department and are known as 'approved children's homes'. An agency may apply for a child in its custody to be admitted to State guardianship once agreed maintenance contributions fall into 6 months arrears.</p> <p><i>Regulations</i></p> <p><i>Children's Welfare Regulation 1955</i> – specifies the duties of Honorary Welfare Officers, regulates visits to children, boarding out wards and applications for the establishment of juvenile schools.</p> <p><i>Repealed by Children's Welfare Act 1958</i></p>
		<p><b>Children's Welfare Act 1958</b></p> <p>Consolidation of 1954 Act.</p> <p><i>Repealed by Social Welfare Act 1970</i></p>

After *Aborigines Act 1957*, the Board had no specific power in relation to Aboriginal children. Aboriginal children were removed under the *Child Welfare Act 1954* and subsequent child welfare legislation.

1960s	<p><b>Social Welfare Act 1960</b></p> <p>The 'welfare of the child shall be the first and paramount consideration' in placing a child.</p> <p><i>Repealed by Social Welfare Act 1970.</i></p> <p><b>Adoption of Children Act 1964</b></p> <p>Replaced 1928 Act. Established a stricter procedure for selecting adoptive parents.</p> <p><i>Amended by</i></p> <p><i>Adoption of Children (Information) Act 1980</i> – Relates to access to records of public and private adoption agencies.</p> <p><i>Repealed by Adoption Act 1984</i></p>
1970s	<p><b>Social Welfare Act 1970</b> [also known as <b>Community Welfare Services Act 1970</b> and <b>Community Services Act 1970</b>].</p> <p>Consolidation of <i>Children's Welfare Act 1958</i>, <i>Social Welfare Act 1960</i> and amendments.</p> <p><i>Amended by</i></p> <p><i>Community Welfare Services (Amendment) Act 1979</i> – minor changes to definition of 'child in need of care' includes emotional abuse and being ill-treated, exposed or neglected.</p> <p><i>Not repealed but substantially amended by Children and Young Persons Act 1989</i></p>

1980s	<p><b>Adoption Act 1984</b></p> <p>Introduced Aboriginal Child Placement Principle. Placement of an Aboriginal child must be in accordance with the Principle. Consent to adoption may only be dispensed with in special cases such as where child has been seriously and persistently ill-treated.</p> <p><b>Children (Guardianship &amp; Custody) Act 1984</b></p> <p>Concerns duties of guardians and disputes between them. Gives effect to the <i>Family Law Act 1975</i> (Cth).</p> <p>Court shall not make a guardianship or custody order with respect to an Aboriginal child unless a report has been received from an Aboriginal Agency.</p> <p><i>Repealed by Children and Young Persons Act 1989</i></p> <p><b>Children and Young Persons Act 1989</b></p> <p>Includes Aboriginal Child Placement Principle. Sets out procedures for removing a child 'in need of protection'.</p>
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## 8.

## Western Australia

## The laws

Decade	Laws applying specifically to Aboriginal children	General child welfare laws/adoption laws
1840s	<p><b>An Act to Prevent the Enticing Away the Girls of the Aboriginal Race From School or From Any Service in Which They Are Employed 1844</b></p> <p>An offence to remove Aboriginal girls from school or 'service' without the previous consent of a Protector of Aborigines or the girl's employer.</p> <p><i>Repealed by Aborigines Act 1905</i></p>	
1870s		<p><b>Industrial Schools Act 1874</b></p> <p><i>Key provisions</i></p> <p>Every child or descendant 'of the aboriginal race' apparently under 21 years of age who voluntarily surrenders himself or herself or is surrendered 'by any parent or apparent guardian and friend' to continue in the custody and care of the manager of the institution, who is the child's lawful guardian to the exclusion of others; children of any race affected if 'apparently an orphan and without a guardian;' any person descended from the 'aboriginal' race being a child apparently under the age of 12 years who is not living under the care or guardianship of either father or mother may after careful inquiry be handed over by the Magistrate or guardian to a school or institution for maintaining and teaching descendants of the 'aboriginal' race. This Act ceased to be relevant to Aboriginal children after the passage of the <i>Aborigines Protection Act 1886</i>.</p> <p><i>Amended by</i></p> <p><i>Industrial Schools Amendment Act 1877</i> – the consent of the child or the signed approval of a Magistrate required before a child apprenticed.</p> <p><i>Repealed by the State Children Act 1907</i></p>



Decade	Laws applying specifically to Aboriginal children	General child welfare laws/adoption laws
1880s	<p><b>Aborigines Protection Act 1886</b></p> <p>Established Aborigines Protection Board. Its functions include submitting proposals to the Governor relating to the care custody or education of the children of 'Aboriginals' and exercising a general supervision and care over all matters affecting the interests and welfare of the 'Aboriginals'.</p> <p><i>Definitions</i></p> <p><i>Aboriginal</i> – an 'Aboriginal Native of Australia and every Aboriginal half-caste or child of a half-caste, such half-caste or child habitually associating with or living with Aboriginals'</p> <p><i>Key provisions</i></p> <p>Board may appoint honorary local protectors to oversee rationing and medical care of 'Aboriginals' and report on condition of Aboriginal children. Resident Magistrates, acting under instructions of the Board, may apprentice any 'Aboriginal' or 'half-caste' child of a 'suitable age' until the age of 21 years, provided that 'due and reasonable provision is made for [the child's] maintenance, clothing and proper and humane treatment'. 'Aboriginals' may be prohibited from entering or remaining in towns.</p> <p><i>Repealed by Aborigines Act 1905</i></p>	
	<p><b>Aborigines Act 1889</b></p> <p>Amended the 1886 Act to allow Crown lands to be reserved and set aside 'for the use and benefit of the Aboriginal inhabitants' and vested existing 'Native Reserves' in the Aborigines Protection Board.</p> <p><i>Repealed by Aborigines Act 1905</i></p>	
1890s	<p><b>Aborigines Act 1897</b></p> <p><i>Key provisions</i></p> <p>Abolished the Aborigines Protection Board and the powers and duties of existing protectors of Aborigines.</p>	

Decade	Laws applying specifically to Aboriginal children	General child welfare laws/adoption laws
	<p>Created the WA Aborigines Department with similar duties to the former Board as well as to provide for the custody, maintenance and education of the children of Aborigines. The Department given an annual budget of £5000 instead of 1% of annual government revenue as specified in 1889 WA Constitution. (1% was a much larger amount after the discovery of gold boosted government revenue. As this provision was inconsistent with the WA Constitution, an Act of the British Parliament, the Act was actually invalid. The invalidity was realised in 1904 and retrospectively validated in the <i>Aborigines Act 1905</i>.)</p> <p><i>Repealed by Aborigines Act 1905</i></p>	
1900s	<p><b>Aborigines Act 1905</b></p> <p>Established the position of Chief Protector who was the legal guardian of 'every aboriginal and half-caste child' to the age of 16 years.</p> <p><i>Definitions</i></p> <p><i>aboriginal</i> – 'an aboriginal inhabitant of Australia'; 'a half-caste who lives with an aboriginal as wife or husband'; 'a half-caste, who otherwise than as wife or husband, habitually lives or associates with aborigines'; 'a half caste child whose age apparently does not exceed 16 years'</p> <p><i>half-caste</i> – includes any person born of an 'aboriginal' parent on either side and the child of any such person</p> <p><i>Key provisions</i></p> <p>Regional protectors to be appointed with power to grant permits for employment of Aboriginal males less than 14 years and Aboriginal females. No person to remove any 'aboriginal', any male 'half-caste' under 16, or any female 'half-caste' without the written authority of a protector. Minister for Aboriginal Affairs may remove 'aboriginals' from one reserve or district to another reserve or district.</p>	<p><b>State Children Act 1907</b></p> <p><i>Definitions</i></p> <p><i>child</i> – a boy or girl under the age of 18 years</p> <p><i>destitute child</i> – a child who has no sufficient means of subsistence apparent to the Court and whose near relatives are, in the opinion of the Court, in indigent circumstances and unable to support such child, or are dead, or unknown, or cannot be found, or are out of the jurisdiction, or in the custody of the law</p> <p><i>neglected child</i> – any child who habitually begs or receives alms; wanders about or sleeps in the open air and does not satisfy the court that she or he has a home; associates or dwells with any person who has been convicted of vagrancy, bad repute or thief or habitual drunkard; is under the guardianship of someone unfit; is illegitimate and whose mother is dead or is unable to maintain or take charge of such child; or is living under conditions as to indicate that the child is lapsing or likely to lapse into a career of vice or crime</p>

Decade	Laws applying specifically to Aboriginal children	General child welfare laws/adoption laws
	<p>The marriage of an 'aboriginal' woman and a non-Aboriginal man requires the permission of the Chief Protector. Minister may exempt 'aboriginals' from the Act but an exemption could be cancelled at any time. Regulations may be made for 'the care, custody and education of the children of aborigines and half-castes' and 'enabling any aboriginal or half-caste child to be sent to and detained in an aboriginal institution, industrial school or orphanage'.</p> <p><i>Regulations</i>  <i>Aborigines Protection Regulation 1909</i> – police, protectors and Justices of the Peace may remove any 'half-caste' child to a mission.</p> <p><i>Repealed by Native Welfare Act 1963</i></p>	<p><i>State child</i> – a destitute child or neglected child received into a Government institution or a subsidised institution or apprenticed or placed out under the authority of the Act</p> <p><i>Key provisions</i>  Secretary of State Children Department to have care and control of all State children. Where a court finds that a child is destitute or neglected, or the child is 'uncontrollable' or 'incorrigible', it may order the child to be committed to the care of the Department or sent to an institution to be detained until the age of 18. If a child is found guilty of offence the court may order that the child be sent to an industrial school. Reasonable notice of a complaint against a child must be given to his/her parent or guardian.</p> <p><i>Repealed by Child Welfare Act 1947</i></p>
1910s	<p><b>Aborigines Act Amendment Act 1911</b></p> <p><i>Key provisions</i>  Chief Protector made the legal guardian of all illegitimate 'half-caste' children 'to the exclusion of the rights of a mother of an illegitimate half-caste child.' Aboriginal institutions to exercise the same powers as State institutions in respect of State children.</p> <p><i>Repealed by Native Welfare Act 1963</i></p>	<p><b>State Children Act Amendment Act 1919 [also known as the Child Welfare Act 1919]</b></p> <p><i>Definitions</i>  <i>State child</i> – definition expanded to include an incorrigible or uncontrollable child</p> <p><i>Key provisions</i>  In committing any child to an institution the court must have regard to the child's future welfare. The court may direct that a child be detained in one of the institutions scheduled to the Act or in some other institution at which such special training and supervision can be provided as may best meet the needs of any special case.</p> <p><i>Repealed by Child Welfare Act 1947</i></p>
1920s		<p><b>State Children Act Amendment Act 1927</b></p> <p>Replaced the term 'State child' with 'ward'. A 'ward' defined as a child who is received into an institution or apprenticed, boarded out or placed out under this Act.</p> <p><i>Repealed by Child Welfare Act 1947</i></p>

Decade	Laws applying specifically to Aboriginal children	General child welfare laws/adoption laws
1930s	<p><b>Native Administration Act 1936</b>  <b>[Also known as the Aborigines Act Amendment Act 1936]</b></p> <p>Changed the title of Chief Protector to Commissioner of Native Affairs. The expansive definition given to 'native' extended the reach of the Commissioner's powers.</p> <p><i>Definitions</i></p> <p><i>native</i> – 'any person of the 'full blood' descended from the original inhabitants of Australia'; 'any person of less than full blood' excepting a 'quadroon' under 21 who does not associate with 'full bloods'; a 'quadroon' over 21 and a person of less than 'quadroon' blood who was born prior to 31 December 1936</p> <p><i>quadroon</i> – 'a person who is descended from the full blood original inhabitants of Australia or their full blood descendants but who is only one-fourth of the original 'full blood'</p> <p><i>Key provisions</i></p> <p>Commissioner of Native Affairs made the legal guardian of all legitimate and illegitimate 'native' children to the age of 21 'notwithstanding that the child has a parent or other relative living'.</p> <p><i>Repealed by Native Welfare Act 1963</i></p>	
1940s	<p><b>Native Administration Amendment Act 1941</b></p> <p>Restricted right of Aboriginal people to move from north to south of the State across the 20th parallel of south latitude.</p> <p><i>Repealed by Native Welfare Act 1963</i></p>	<p><b>Child Welfare Act 1947</b></p> <p>The secretary of the department to have the care, management and control of wards. Where a court finds a child to be 'destitute' or 'neglected', it may commit the child to the care of the department; send him/her to an institution; or release him/her on probation. In committing any child to an institution a court is bound to have regard to the future welfare of such child. A child committed to the care of the department may be detained in an institution; boarded out, apprenticed or placed at service with a 'suitable person'; or placed in the custody of a 'suitable person'.</p>

Decade	Laws applying specifically to Aboriginal children	General child welfare laws/adoption laws
	<p><b>Native (Citizenship Rights) Act 1944</b></p> <p><i>Key provisions</i></p> <p>To be granted 'citizenship' under this Act, an Aboriginal person had to convince a magistrate that he/she had severed all ties to extended family and friends (parents, siblings and own children excepted), was free from disease, would benefit from holding citizenship and was 'of industrious habits'.</p> <p><i>Repealed by Native (Citizenship Rights) Act Repeal Act 1971</i></p>	<p>No ward to be detained in an institution or to be under the control of the department after attaining the age of 18 except that a period of supervision or detention of any female ward may be extended to 21. Reasonable notice of the complaint must be given to the child's parent or guardian.</p>
1950s	<p><b>Native Welfare Act 1954</b></p> <p><i>Key provisions</i></p> <p>Commissioner and Department of Native Affairs changed to Commissioner and Department of Native Welfare. The Commissioner remains the legal guardian of 'native' children except where the child has been made a ward under the <i>Child Welfare Act 1947</i>. 'The Commissioner may from time to time direct what person is to have the custody of a native child of whom he is the legal guardian, and his direction shall have effect according to its tenor'.</p> <p><i>Repealed by Native Welfare Act 1963</i></p>	<p><b>Child Welfare Act Amendment Act 1952</b></p> <p><i>Definitions</i></p> <p><i>destitute child</i> – definition expanded to include a child placed in a subsidised institution otherwise than in pursuance of a court order and near relatives not contributing regularly to maintenance</p> <p><i>neglected child</i> – definition expanded to include a child living under such conditions as to indicate that the mental, physical or moral welfare of the child is likely to be in jeopardy</p> <p><i>Key provisions</i></p> <p>Before declaring a child destitute, the court must be satisfied that all available proceedings taken to obtain an order against near relative for contributions.</p>
		<p><b>Child Welfare Act Amendment Act 1958</b></p> <p><i>Key provisions</i></p> <p>Where it appears to the Minister that a person has placed a child in care of another but maintenance is not being paid, the Minister may commit the child to the care of the department.</p>
1960s	<p><b>Native Welfare Act Amendment Act 1960</b></p> <p>'Quadroons' and persons less than 'quadroon blood' excepted from the definition of 'native'.</p> <p><i>Repealed by Native Welfare Act 1963</i></p>	<p><b>Child Welfare Act Amendment Act 1962</b></p> <p>Director of the Child Welfare Department made the guardian of wards. Where it appears to the Minister that a child has been left without a parent or guardian;</p>

Decade	Laws applying specifically to Aboriginal children	General child welfare laws/adoption laws
	<p><b>Native Welfare Act 1963</b></p> <p><i>Key provisions</i></p> <p>Commissioner ceased to be the guardian of 'native minors'. Duties of Department of Native Welfare include providing for 'the custody, maintenance and education of the children of natives' and to assist in the 'economic and social assimilation by the community' of 'natives'. Only 'natives' and specified persons to enter or remain on reserves. Regulations may be made for 'the control, care and education of the children of natives'.</p> <p><i>Repealed by Aboriginal Affairs Planning Authority Act 1972</i></p>	<p>or the whereabouts of any parent, near relative or guardian of the child is not readily ascertainable, then if the child is not destitute or neglected, the Minister may commit the child to the care of the department.</p>

After the *Native Welfare Act 1954* Aboriginal children were removed under the *Child Welfare Act 1947* and subsequent child welfare legislation. However the Commissioner for Native Affairs remained the legal guardian of all 'native' children, except those made wards under the *Child Welfare Act*, until 1963.

1970s	<p><b>Community Welfare Act 1972 [also known as the Community Services Act 1972]</b></p> <p>Established the Department of Community Welfare which was an amalgamation of the Child Welfare Department and sections of the Department of Native Welfare.</p>
	<p><b>Child Welfare Amendment Act (No 2) 1976</b></p> <p>Replaced the terms 'destitute child' and 'neglected child' with 'child in need of care and protection'.</p> <p><i>Definitions</i></p> <p><i>child in need of care and protection</i> – a child with no sufficient means of subsistence whose near relations are in indigent circumstances, unable or unwilling to support the child, dead or unknown; who has been placed in a subsidised centre and whose near relations have not contributed to maintenance; who associates or dwells with a person convicted of vagrancy, bad repute, a thief, is under the influence of alcohol or drugs or is a person unfit to have guardianship or custody; a child who is not maintained properly or deserted; who is found in a place where drugs are used; is ill treated; lives under conditions indicating that he/she is lapsing or likely to lapse into career of vice or crime; or there are indications that the child's physical, mental or moral welfare are in jeopardy</p> <p><i>ward</i> – a child in need of care and protection under the guardianship of the Director of Community Welfare</p> <p><i>Key provisions</i></p> <p>A ward may be placed in a suitable centre or facility, transferred from one centre, facility, training or employment to another, placed in employment with some suitable person, or placed in the care, charge or custody of a suitable person.</p>



# Australian Capital Territory and New South Wales

## Key questions

To answer these questions you will need to refer to the *The History – New South Wales* resource sheet, *The Laws – New South Wales* resource sheet and *The Laws – Australian Capital Territory* resource sheet.

Read the resource sheets and answer the questions below.

1. How did Indigenous people and the settlers interact during the early settlement?

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2. Reserves were formally set up under the control of the Aboriginal Protection Board. What were the reserves used for?

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3. What was the main change brought about by the 1915 *Aborigines Protection (Amending) Act*? What arguments were presented against these changes?

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4. After the 1937 meeting of State and Commonwealth governments, assimilation took place under welfare laws. An Indigenous child could only be removed if found to be in 'neglect'. What problems were identified with this approach?

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5. During the 1940s and 1950s, fostering and adoption became the option preferred to institutionalisation. What reasons are offered for this? Can you think of other possible reasons?

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## 8.

## Northern Territory

## Key questions

To answer these questions you will need to refer to *The History – Northern Territory* resource sheet and *The Laws – Northern Territory* resource sheet.

Read the resource sheets and answer the questions below.

1. According to the material, what was the main motivation behind settling in the Northern Territory?

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2. What were the key points of the *Northern Territory Aboriginals Act* of 1910?

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3. Soon after the Chief Protector's powers were extended in 1918, the removal of Indigenous children increased rapidly. What problems did this increase pose for managing missions, institutions and reserves? Give an example.

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4. What was Chief Protector Cook's vision? Was it achieved through the missions and reserves? Why, or why not?

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5. What understanding do you have of self-management? Give an example of a self-management initiative in the Northern Territory.

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8.

# Queensland

Key questions

To answer these questions you will need to refer to *The History – Queensland* resource sheet and *The Laws – Queensland* resource sheet.

Read the resource sheets and answer the questions below.

- 1. How would you describe relations between Indigenous people and the settlers during early settlement in Queensland?

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- 2. Under what law were Indigenous children first separated from their families?

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- 3. What was one reason for the government adopting a policy of restricting the movement of Torres Strait Islanders?

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- 4. What happened to Indigenous children who were not living on the reserves or missions?

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- 5. What did the 1975 Commission of Inquiry into Youth recommend about the care of Indigenous children?

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8.

# South Australia

Key questions

To answer these questions you will need to refer to *The History – South Australia* resource sheet and *The Laws – South Australia* resource sheet.

Read the resource sheets and answer the questions below.

1. How was South Australia originally settled?

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2. Describe the powers of the Protector of Aborigines in South Australia.

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3. What did Aboriginal people have to show in order to get an 'exemption certificate'?

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4. How many Indigenous children were in non-Indigenous foster homes by 1967?

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5. What was one institution set up as a part of self-management of Indigenous affairs in the Indigenous community?

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8.

# Tasmania

Key questions

To answer these questions you will need to refer to *The History – Tasmania* resource sheet and *The Laws – Tasmania* resource sheet.

Read the resource sheets and answer the questions below.

1. When did white settlement begin in Tasmania?

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2. What was the initial effect of moving Indigenous people to Flinders Island?

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3. In the 1950s, officials increasingly moved Indigenous children to mainland Tasmania using the child welfare laws. What were the grounds for removal of Indigenous children under these laws?

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4. Has self-management helped reduce the number of separations occurring through child welfare and criminal laws? Which Indigenous-operated organisations have helped with this?

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5. When did the Tasmanian Government introduce the Aboriginal Child Placement Principle? What is the principle meant to do?

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# Victoria

## Key questions

To answer these questions you will need to refer to *The History – Victoria* resource sheet and *The Laws – Victoria* resource sheet.

Read the resource sheets and answer the questions below.

1. How did colonial settlement begin? What were the early schools for Indigenous children like?

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2. Segregation policy aimed to separate Indigenous peoples from non-Indigenous peoples. What were the two main things the Aborigines Protection Board did to facilitate this separation?

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3. What were the grounds for removing Indigenous children by private welfare agencies and individuals between 1887 and 1954?

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4. What work did the Aboriginal Advancement League do to try and improve conditions for Indigenous people living under the policy of assimilation?

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5. Did strategies of self-management, including Indigenous-operated community services, decrease or increase the number of Indigenous children removed from their families? By how much did this change?

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8.

# Western Australia

Key questions

To answer these questions you will need to refer to *The History – Western Australia* resource sheet and *The Laws – Western Australia* resource sheet.

Read the resource sheets and answer the questions below.

1. How was the settlement of Western Australia different to settlement in other Australian states?

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2. What occurred at the Battle of Pinjarra? How did this effect the relationship between Indigenous and non-Indigenous people?

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3. List some of the things that Indigenous people had to prove to be granted WA citizenship rights under the *Native (Citizenship Rights) Act 1944*.

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4. How many Indigenous people were in institutions when the Department of Native Welfare was abolished in 1972?

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5. Explain some of the reforms to child welfare which were introduced in the 1980s. What specific issues do you think were addressed by these changes?

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# Australian Capital Territory and New South Wales

## Answer sheet

To answer these questions students will need to refer to the *The History – New South Wales + ACT* resource sheet, *The Laws – New South Wales* resource sheet and *The Laws – Australian Capital Territory* resource sheet.

The responses below are suggestions only.

1. How did Indigenous people and the settlers interact during the early settlement?

- Immediate conflict occurred between Indigenous people and settlers.
- Indigenous people were forced off their traditional lands to make way for settlement.
- Indigenous people protested over early land claims and development, leading to guerrilla warfare between Indigenous people and settlers.
- Indigenous people were encouraged to send their children to 'Native Institutions', where they could undertake bible study.

2. Reserves were formally set up under the control of the Aboriginal Protection Board. What were the reserves used for?

- Two types of reserves were set up – managed and unmanaged reserves.
- Managed reserves provided education, rations and housing.
- Unmanaged reserves were under police control and only provided rations.

3. What was the main change brought about by the 1915 Aborigines Protection (Amending) Act? What arguments were presented against these changes?

- The act removed the requirement that an Aboriginal child had to be considered 'neglected' before the board removed them.
- No court hearing was required for the removal of an Aboriginal child.
- Arguments were put at the time that the new law allowed the board 'to steal children away from their parents' and to oversee 'the re-introduction of slavery in NSW'.

4. After the 1937 meeting of state and Commonwealth governments, assimilation took place under welfare laws. An Indigenous child could only be removed if found to be in 'neglect'. What problems were identified with this approach?

- Children's courts were often located some distance from Indigenous communities.
- Indigenous people had limited legal assistance at their disposal.
- It was an offence for Indigenous people to leave either their employment or their home to attend court hearings.
- Parents were threatened in various ways to 'consent' to their child being removed.

5. During the 1940s and 1950s, fostering and adoption became the option preferred to institutionalisation. What reasons are offered for this? Can you think of other possible reasons?

Financial problems were being encountered, as institutions and homes were costly to run. Fostering and adoption were therefore seen as more viable economic strategies.

## 8.

## Northern Territory

## Answer sheet

To answer these questions students will need to refer to *The History – Northern Territory* resource sheet and *The Laws – Northern Territory* resource sheet.

The responses below are suggestions only.

1. According to the material, what was the main motivation behind settling the Northern Territory?

The enormous wealth of natural resources, which led to a flood of pastoralists and many mining companies being established.

2. What were the key points of the *Northern Territory Aboriginals Act of 1910*?

The Act provided for the removal, detention and relocation of Aboriginal people on reserves.

3. Soon after the Chief Protector's powers were extended in 1918, the removal of Indigenous children increased rapidly. What problems did this increase pose for managing missions, institutions and reserves? Give an example.

- The increase caused severe overcrowding in places where conditions were already poor.
- Although some children were relocated, in many cases they were moved to temporary homes, with severe water shortages, extreme cold and lack of protection from the rain.

4. What was Chief Protector Cook's vision? Was it achieved through the missions and reserves? Why, or why not?

- Cook stated that his intention was to 'breed out the race' and to 'convert the half-caste into a white citizen'.
- Cook was unsupportive of the missions and tried to make his vision their responsibility – but was ignored due to them focussing on education and protection instead.

5. What understanding do you have of self-management? Give an example of a self-management initiative in the Northern Territory.

One initiative in the move towards Indigenous self-management in the Northern Territory was the Aboriginal Child Placement Principle, which stated that where removal of an Indigenous child from its family because of adoption or fostering, the priority would be to place that child with another Indigenous family wherever possible.

## 8.

## Queensland

## Answer sheet

To answer these questions students will need to refer to *The History – Queensland* resource sheet and *The Laws – Queensland* resource sheet.

The responses below are suggestions only.

1. How would you describe relations between Indigenous people and the settlers during early settlement in Queensland?

- There was little initial conflict between colonisers and Indigenous populations.
- However, when free settlement began events escalated into extreme violence, with poisoning of and attacks on Indigenous camps.

2. Under what law were Indigenous children first separated from their families?

The *Industrial and Reformatory Schools Act 1865*.

3. What was one reason for the government adopting a policy of restricting the movement of Torres Strait Islanders?

To ensure their availability to work in the fishing industry.

4. What happened to Indigenous children who were not living on the reserves or missions?

- Many were removed to government-run dormitories.
- Many were put in positions of domestic labour.

5. What did the 1975 Commission of Inquiry into Youth recommend about the care of Indigenous children?

The Inquiry commented that placing Indigenous youth in non-Indigenous institutions was having a detrimental effect, and that alternative means of child care should be considered and Indigenous staff employed to work in the institutions.



## 8.

## South Australia

## Answer sheet

To answer these questions students will need to refer to *The History – South Australia* resource sheet and *The Laws – South Australia* resource sheet.

The responses below are suggestions only.

1. How was South Australia originally settled?
<ul style="list-style-type: none"> <li>• As a free settler colony.</li> <li>• South Australia was set up at a time when more humanitarian principles of colonisation were dominant in England, meaning Aboriginal rights were nominally recognised in the colony's founding documents.</li> </ul>
2. Describe the powers of the Protector of Aborigines in South Australia.
<ul style="list-style-type: none"> <li>• Appointed legal guardian of every 'half caste and other protected Aboriginal child whose parents are dead or unknown'.</li> <li>• Allowed Indigenous children of a 'suitable age' to be sent to work as long as their parents agreed.</li> </ul>
3. What did Aboriginal people have to show in order to get an 'exemption certificate'?
<ul style="list-style-type: none"> <li>• Aboriginal people could open a bank account and live independently if they could show 'by reason of their character, standard of intelligence and development are considered capable of living in the general community without supervision'.</li> <li>• were excluded from the legal definition of 'Aboriginal'.</li> </ul>
4. How many Indigenous children were in non-Indigenous foster homes by 1967?
157
5. What was one institution set up as a part of self-management of Indigenous affairs in the Indigenous community?
The South Australian Aboriginal Child Care Agency.

## 8.

## Tasmania

## Answer sheet

To answer these questions students will need to refer to *The History – Tasmania* resource sheet and *The Laws – Tasmania* resource sheet.

The responses below are suggestions only.

1. When did white settlement begin in Tasmania?
<ul style="list-style-type: none"> <li>• Tasmania was first settled in 1803 as a penal colony.</li> <li>• Free settlement began in the 1820s.</li> </ul>
2. What was the initial effect of moving Indigenous people to Flinders Island?
The combination of inadequate shelter, scarce rations, disease and loss of freedom meant very few survived the relocation. By 1843, only 50 of the original 200 survived. They were relocated back to the mainland.
3. In the 1950s, officials increasingly moved Indigenous children to mainland Tasmania using the child welfare laws. What were the grounds for removal of Indigenous children under these laws?
The <i>Infants Welfare Act 1935</i> and the <i>Child Welfare Act 1960</i> allowed children to be removed on the grounds of 'neglect'.
4. Has self-management helped reduce the number of separations occurring through child welfare and criminal laws? Which Indigenous-operated organisations have helped with this?
<ul style="list-style-type: none"> <li>• The Aboriginal Information Service (now called the Tasmanian Aboriginal Legal Service) provided representation for Indigenous children and parents in neglect cases and juvenile justice matters.</li> <li>• This service went some way to reducing the number of removals through child welfare and criminal laws.</li> </ul>
5. When did the Tasmanian Government introduce the Aboriginal Child Placement Principle? What is the principle meant to do?
<ul style="list-style-type: none"> <li>• 1984</li> <li>• The principle means that an Indigenous family must be the preferred placement for an Indigenous child in need of alternative care.</li> </ul>

## 8.

## Victoria

## Answer sheet

To answer these questions students will need to refer to *The History – Victoria* resource sheet and *The Laws – Victoria* resource sheet.

The responses below are suggestions only.

1. How did colonial settlement begin? What were the early schools for Indigenous children like?
<ul style="list-style-type: none"> <li>• Colonial settlement began when settlers from Tasmania travelled across Bass Strait in 1834 in search of new farmland.</li> <li>• Early schools were almost always run by missionaries.</li> </ul>
2. Segregation policy aimed to separate Indigenous peoples from non-Indigenous peoples. What were the two main things the Aborigines Protection Board did to facilitate this separation?
<ul style="list-style-type: none"> <li>• Keeping 'full bloods', who were thought to be dying out, on reserves.</li> <li>• Merging 'half-castes' into the white community.</li> </ul>
3. What were the grounds for removing Indigenous children by private welfare agencies and individuals between 1887 and 1954?
Employment and education were seen as ways of successfully merging mixed-descent children into the white community.
4. What work did the Aboriginal Advancement League do to try and improve conditions for Indigenous people living under the policy of assimilation?
<ul style="list-style-type: none"> <li>• Expressed their concerns to the premier at the time about the physical and cultural future of Aborigines.</li> <li>• Advocated for a future of self-government instead of assimilation.</li> </ul>
5. Did strategies of self-management, including Indigenous-operated community services, decrease or increase the number of Indigenous children removed from their families? By how much did this change?
The introduction of Indigenous operated community services in the mid 1970s led to a 40% reduction of the number of Indigenous children in homes by 1979.

## 8.

## Western Australia

## Answer sheet

To answer these questions students will need to refer to *The History – Western Australia* resource sheet and *The Laws – Western Australia* resource sheet.

The responses below are suggestions only.

1. How was the settlement of Western Australia different to settlement in other Australian states?

Western Australia was established for free settlers rather than for convicts.

2. What occurred at the Battle of Pinjarra? How did this affect the relationship between Indigenous and non-Indigenous people?

- Governor Stirling led an expedition to the Indigenous camps and fired indiscriminately at them, killing 30 Indigenous people.
- This led to further acts of violence between Indigenous and non-Indigenous people.

3. List some of the things that Indigenous people had to prove to be granted WA citizenship rights under the *Native (Citizenship Rights) Act 1944*.

To be granted 'citizenship' under this Act, an Aboriginal person had to convince a magistrate that he/she had severed all ties to extended family and friends (parents, siblings and own children excepted), was free from disease, would benefit from holding citizenship and was 'of industrious habits'.

4. How many Indigenous people were in institutions when the Department of Native Welfare was abolished in 1972?

3099 people, most of whom were children.

5. Explain some of the reforms to child welfare which were introduced in the 1980s. What specific issues do you think were addressed by these changes?

- Aboriginal Child Care Agency introduced.
- Aboriginal Child Placement Principle adopted.
- Both reforms represented significant movement towards community participation in Indigenous child welfare.

## 8.

## Key questions comparison chart

## Activity sheet

Making comparisons between things can often help develop our understanding of them. We become aware of differences and similarities between things we might normally take for granted by seeing them in isolation. For example, by comparing histories we can see what differences and similarities exist, how these differences come about (what factors and conditions are operating etc.) and what the dominant trends are.

## Part A

By this stage, you should have read the history and laws relating to the separation of Aboriginal and Torres Strait Islander children from their families in your state or territory. You should also have read about another state or territory.

The chart below highlights some of the key aspects of the overall history of separating Indigenous children from their families. Use your answers to the key questions to fill in the table below.

Questions	Your state or territory:	Other state or territory:
When was it settled?		
How was it settled?		
How did the first removals of Indigenous children occur?		
Was there an Aborigines Protection Board in operation at any stage? If so, when was it introduced?		
What sorts of institutions were Indigenous children removed to?		
How were Indigenous children removed through welfare laws?		
When was the Aboriginal Child Placement Principle introduced? What laws or policies did it change?		
Give an example of a 'self-management' initiative that occurred in this state/territory		

## Part B

Using the information above and also drawing on any other general points you have noticed write down five differences and similarities between the histories of removals in both. Your examples can be quite specific or general.

	Differences	Similarities
1		
2		
3		
4		
5		

## Part C

In groups, or together as a class, discuss what you have learnt by comparing the two histories. Listen to what points your classmates came up with, especially those who chose a state/territory which was different to yours. You may want to think about broader differences and similarities using the information you have learnt through this discussion.

Here are some focus questions:

- What differences did you notice between what happened in both states/territories?
- How would you explain how these differences came about? What factors do you think gave rise to these differences?
- What are the common threads?
- What new information have you learned about the removal of Indigenous children from their families?

## 9.

# Responses to the Inquiry

## Activity sheet

To answer the discussion questions below, you will need to research the various ways that different groups have responded to the recommendations of the *Bringing them home* report. Read the speech *Australian Government responses to the Bringing them home report*, or research the report at:

[www.humanrights.gov.au/social\\_justice/bth\\_report/index.html](http://www.humanrights.gov.au/social_justice/bth_report/index.html)

Some of the things people in the community did in response to the *Bringing them home* report were:

- organised meetings where members of the Stolen Generations told their stories
- organised 'sorry registers' where people signed their names to say they were sorry for past actions for governments which allowed children to be removed from their families and communities
- wrote to newspapers and politicians expressing sorrow
- joined groups like the National Sorry Day Committee and the Australians for Native Title
- marched in support of reconciliation

Working in groups of four, discuss and add three other things people in the community can do to help the children who were forcibly removed from their families and communities to 'return home'.

1. ....
2. ....
3. ....

### Class discussion

The following list includes some of the things governments, churches and the police have done in response to the report's recommendations:

- Motion of Reconciliation in Federal Parliament where the mistreatment of many Indigenous Australians who were forcibly removed from their families and communities was acknowledged.
- Most Australian State Parliaments issued a formal apology to the 'Stolen Generations' and acknowledged responsibility for the policies and practices which allowed for the forcible removal Aboriginal and Torres Strait Islander children from their families and communities and acknowledged responsibility for unjust laws and practices made by many government departments including the police department.
- Allocation of \$63 million over a four year period to provide:
  - mental health services including counselling
  - family reunion services
  - parenting support
  - support for the preservation of Indigenous language
  - support of the preservation and development of Indigenous arts and culture
  - archiving project to preserve historical records and oral history recordings.
- An additional \$54 million was allocated by the government in 2002.
- Apologies were made by all major Christian denominations for their involvement in the removal and institutionalisation of many Indigenous children and a commitment to redress these injustices from some churches.

Discuss the things that governments, churches and the police have done in response to the recommendations with your classmates. Make a list of any other things that governments, churches and the police could do to help achieve reconciliation between Indigenous and non-Indigenous Australians.

1. ....
2. ....
3. ....

Note: For recent developments and updates on what recommendations have been implemented from the *Bringing them home* report log on to the Social Justice section of the Commission's website at: [www.humanrights.gov.au/social\\_justice](http://www.humanrights.gov.au/social_justice)

## Creating posters

1. In your groups plan a campaign together with an Indigenous group to raise community awareness in response to the recommendations of the *Bringing them home* report.

Use the table below to help outline your campaign:

<p><b>Name and objectives</b> Identify the objectives of your group or organisation.</p>	
<p><b>What are the issues you are trying to address?</b></p> <ul style="list-style-type: none"> <li>• Identify the issues or events you are concerned about.</li> <li>• Why are these issues important to both Indigenous and non-Indigenous Australians?</li> </ul>	
<p><b>Identify your audience?</b> Who are you trying to influence?</p> <ul style="list-style-type: none"> <li>• the government</li> <li>• the local community</li> <li>• individuals</li> </ul>	
<p><b>Identify the desired outcomes for your campaign</b></p> <ul style="list-style-type: none"> <li>• What changes do you want to take place?</li> <li>• Why are your desired outcomes important for both Indigenous and non-Indigenous people?</li> </ul>	

2. Plan and design a poster which promotes the message you wish to promote to raise awareness. Carefully consider:

- your message – keep it simple
- the design – use images, fonts and colours which are appropriate
- the text included on the poster – be succinct, but make sure you include enough information to inform viewers about the issues you are concerned about.



# Australian Government responses to the *Bringing them home* Report

## Speech

**By Tom Calma, Aboriginal and Torres Strait Islander Social Justice Commissioner, presented at the conference: *Ten Years Later: Bringing them home and the forced removal of children*, Indigenous Law Centre and (then) HREOC Conference, Sydney, 28 September 2007.**

Thank you Eddie Cubillo for your introduction, and thank you Allen Madden for your warm welcome to country.

I too would like to begin by acknowledging the traditional owners of the land where we meet today, the Gadigal people of the Eora Nation, and I pay my respects to their elders.

Hello also to all my Indigenous brothers and sisters and other friends who are here today. Thank you for joining with us to mark the ten year anniversary of the release of the landmark *Bringing them home* report.

On behalf of the Human Rights and Equal Opportunity Commission I would like to thank the Indigenous Law Centre and the Crime and Justice Research Network at UNSW for inviting HREOC to co-host this conference. It is yet another instance of the legal centres of learning at UNSW demonstrating through their action, the strength of their commitment to fostering and advancing social justice in this country.

Rather than just looking back and taking stock, I hope that today's discussions will encourage all of us to breathe new life into the recommendations of the BTH report. Their currency has not faded with the course of a decade.

The recommendations continue to set the minimum acceptable benchmark that governments, the Churches, and others who had a hand in taking the children away, must measure up to.

As today's conference demonstrates, Australians have not forgotten the gravity of the findings of the BTH report. We remain mindful that the gross violations of human rights that were visited on generations of Aboriginal children still (by and large) need redress and reparation. Australia can still do much more, and do it better, when it comes to righting the wrongs that gave rise to generations of Stolen Children.

I also want to draw attention to the important research work, particularly in relation to Indigenous mental health and wellbeing, that the BTH report has triggered.

As a result of the groundbreaking work of experts like Associate Professor Helen Milroy, we are becoming aware of the very contemporary and indeed the *future* legacies of pain and loss that will be borne by the Stolen Generations, their children, and their grandchildren.

Research like the Western Australian Aboriginal Child Health Survey has shown that it is a legacy that is not monopolised by those who were removed.

It is a legacy that continues to grow and multiply as our Indigenous population increases at a rapid rate.

It is a legacy that journeys from one generation to the next, evolving and wreaking havoc on people's lives as it goes. It is this insidious cycle that has to be broken. The pain has to stop – and as the BTH recommendations intended – the healing must begin.

In the time available, I also want to outline what the responses of various levels of government around Australia have been to the BTH – concentrating on where I think we more concerted work and investment needs to be directed in the coming years by governments, Indigenous people, and the broader community.

## Government responses

We are all familiar with the state and territory government apologies to the Stolen Generations – and the dogged silence of the federal government on this most fundamental of elements in a national process of healing and reparation.

We all recall the federal government's decision to promote a 'practical reconciliation' agenda and down-play or completely rule out the role of symbolic gestures, compensation or reparation as appropriate responses to the findings of the BTH report. And I do note and acknowledge that the government has invested many millions of dollars to BTH programs and they did proceed with a national memorial to the Stolen Generations in the federal capital – contentious though it was in terms of its conceptualisation and delivery.

And I'm sure the words in 2000 of the then Minister for Indigenous Affairs, Senator John Herron, that there 'never was a stolen generation', still resurrect great passion in your hearts.

But the response of the broader Australian community – and their demonstrable support for a reconciliation process that will settle the unfinished business of our nation's history that was so evident in the bridge walks – sits in stark contrast to the comparatively dispassionate responses of the political leadership of this country.

## State and territory government law reform responses

It is also important to acknowledge that state and territory governments have responded to a range of BTH recommendations by undertaking important legislative reforms. For example, child protection, adoption and juvenile justice regimes in most states now incorporate the Aboriginal Child Placement Principles.

This shows that governments recognise that the wellbeing and safety of our kids is improved if they are able to maintain contact with their family, community and culture – regardless of what they have done or what has been done to them.

These legislative amendments are a critical means by which Australia can give effect to some of our obligations under the *International Convention on the Rights of the Child*, and in particular, the distinct cultural rights that our children should enjoy as First Nation peoples.

Nonetheless, I am the first to acknowledge that Aboriginal children are still over-represented in substantiated child protection notifications, care and protection orders, and out-of-home care.

I also acknowledge that contemporary removals of our children are unacceptably high and show no sign of subsiding anytime soon. This is a concern that other speakers will address later today.

## Tasmanian compensation scheme

Perhaps one of the most encouraging developments at the state level was the decision of the Tasmanian Parliament last year to unanimously pass into law a compensation scheme for Stolen Generation members and their children.

A total of \$5 million has been set aside, and the assessment of applications is expected to be completed by January next year.

It just goes to show that suggestions by other politicians that compensation is not appropriate, or legally problematic, or impossible are nothing more than obfuscation.

On the issue of compensation, I also want to acknowledge and thank Senator Andrew Bartlett for his ongoing work to progress the Parliament's full response to the BTH recommendations. Earlier this month he tabled a private members' bill – the *Stolen Generation Compensation Bill 2007*.

The national compensation scheme that is proposed in this Bill is modeled on the Tasmania scheme, but Senator Bartlett has also incorporated feedback from the Stolen Generations, Indigenous people and their representative organisations, as well as other Australians. As a result, the scheme proposed in his Bill has more inclusive and flexible eligibility criteria, and it allows the Stolen Generations Assessor to accept oral evidence about a person's removal.

Senator Bartlett's compensation proposal also takes on board community suggestions about the need for:

- healing centres to be established;
- services to be provided to assist people to manage their compensation payments; and
- for a Funeral Trust Fund to be set up to help families meet the costs of burial.

This initiative is one element of a growing momentum towards addressing major areas of unfinished business in our nation's history.

Another source of this momentum is our courts.

### *Trevorrow v State of South Australia*

The recent success of Mr Bruce Trevorrow's Stolen Generation case in South Australia, and a compensation payment in excess of \$500,000 for the injury and loss he suffered, should prompt Australia governments (with the exception of Tasmania) to rethink their staunch opposition to a compensation scheme.

I don't want to go into the details of Mr Trevorrow's case, as his legal counsel and others are better placed to do that later today.

But I do want to acknowledge the role that the Aboriginal Legal Rights Movement in SA has played in terms of backing Mr Trevorrow over the last ten years or so, while his case was doing the rounds of the SA courts.

The ALRM's preparedness to provide the legal aid funding for Mr Trevorrow to run his landmark test case – which I might add – was funding sourced from ATSIC and the current the Commonwealth Attorney-General's Department – was critical to his ultimate success.

I also want to pose the question: given that by the 1950s, the SA Government was getting legal advice warning that it did *not* have the legal authority to remove any Aboriginal child, unless it had *actual proof* of neglect or abuse – isn't it fair to assume that other state governments might have received similar advice – or at least have been in a position to judge that it was reasonably foreseeable that removing Aboriginal children would risk serious harm and potentially breach the government's duty of care?

Regardless of how governments answer that question – they have consistently been warned by HREOC, Senate Committees of Inquiry, PIAC and representatives of the Stolen Generations themselves, *against* leaving the resolution of Stolen Generations cases to our adversarial court system.

This system pits the finances and personal courage of individuals against the vast resources and considerable authority of the State. It is a system that erects a host of barriers in the form of evidentiary requirements and limits of statute to name only a few. It operates to keep out all but the most tenacious and determined of litigants.

But the courts can't deliver healing or pass laws to guarantee similar human rights breaches won't occur again. They can't treat a person's mental illness but where they have said "sorry", it has been appreciated

In short, the courts can't deal with the totality of the fall-out of almost a century of forcible child removals. They are at best a social justice lottery – where each Stolen Generations plaintiff takes a huge gamble, with the odds stacked against them.

But a national reparations scheme, if set up appropriately and adequately resourced, has the potential to deliver real social justice outcomes.

Further, international law provides that the *only* appropriate response to victims of gross violations of human rights is one of reparation.

If NSW can provide reparation to those whose wages were stolen, why can't it do the same for the children who were stolen?

And if the Australian Government can provide \$3.5 billion to assist farmers to survive the current drought, why can't it conceive of a reparations package to heal the scars of what must be one of our country's worst social injustices?

## Ubris Keys Young evaluation report

The final aspect of government responses to the BTH report that I want to mention are the reports that have been commissioned by government to evaluate their implementation of the recommendations.

Some of these, like the Ubris Keys Young report that came out in May this year, are independent.<sup>2</sup> Others, like those done by the Ministerial Council of Aboriginal and Torres Strait Islander Affairs (MCATSIA) are undertaken by government at the most senior level.

The Ubris Keys Young report is an important tool for the Stolen Generations and its recommendations deserve the close attention of anyone working in Indigenous policy development. It provides a comprehensive evaluation of the effectiveness of the core elements of Australian governments' responses to the BTH recommendations, namely:

1. *The Link Up Program* – which provides family tracing and reunion services;
2. *The Bringing Them Home Program* – which provides counselling to individuals, families and communities affected by past forced removal policies;
3. *The Social and Emotional Wellbeing Regional Centre Program* – which funds these centres around Australia to provide professional support to staff working in Link-Ups and the BTH Program; and
4. *The Mental Health Program* – which funds Aboriginal Community Controlled Health Services to develop and evaluate culturally appropriate approaches to mental health service delivery for the Stolen Generations.

The findings of the report are generally positive in relation to client satisfaction and the quality of the outcomes in relation to three of the four programs. According to their research, the Link-Ups, the BTH Program and the Mental Health Program are all providing culturally appropriate services, and much needed services that many Aboriginal people would otherwise not be accessing.

But when it comes to the *Social and Emotional Wellbeing Regional Centre Program* – there are serious criticisms about the centres' capacity to fulfill their role, particularly in relation to providing professional supervision and support to the staff delivering programs to the Stolen Generations.

It is also very clear that there is considerable scope for improvement across all four programs, and I hope that the federal government is intent on giving effect to the many important recommendations that the consultant has made in this report.

For example, there are clear recommendations that there needs to be:

<sup>2</sup> Ubris Keys and Young, *Evaluation of the Bringing Them Home and Indigenous Mental Health Programs*, prepared for the Office for Aboriginal and Torres Strait Islander Health, Australian Government Department of Health and Ageing, Commonwealth of Australia, May 2007.

- A greater focus on proactively targeting support services so they are *primarily* accessed by *first* generation Stolen Generation members – rather than second and subsequent generation members;
- Secondly, governments have a responsibility to ensure that there is a consistently high standard in the skill level and qualifications of staff working in the Link-Ups and the BTH Programs. This means fixing up the identified problems in the *Social and Emotional Wellbeing Regional Centre Program*. Above all, more training and professional support needs to be provided to reduce staff burn-out and turnover, which is a significant problem across all of the Stolen Generations programs;
- Thirdly, there is a real need for national guidelines and a national evaluation framework to improve the consistency and quality of service delivery across all of the programs; and
- Finally, the programs need to be adequately resourced so that they have a better geographic spread and can provide proactive out-reach services to the Stolen Generations – wherever they live. There is a particular need to make programs more accessible for clients living in rural and remote areas. Importantly the report also recommends that all of the programs should be located in Aboriginal community-controlled organisations so they are more welcoming and user-friendly for Aboriginal people.

The Ubris Keys Young report also flags the need for more research on the trans-generational impacts of the Stolen Generations experiences, and how these are similar to or different from the impacts on first generation members.

This is a critical recommendation that I want to emphasise today.

Research is already showing that the future demand for Link-Ups and BTH Programs will be significant and is likely to keep growing as new generations of Aboriginal children are born.<sup>3</sup>

Australian Governments therefore need to be aware that their responses to the BTH report need to be ongoing *and* capable of meeting the *growing* needs of an ever larger Indigenous population.

If governments are serious about:

- addressing alcohol and gambling problems in Aboriginal communities,
- reducing the rates of criminal offending behaviour by Aboriginal people,
- reducing the experience of physical violence in communities, and
- generally improving the life chances of Aboriginal children,

then treating the negative impacts of forcible removal is critical for current and future generations.

## Conclusion

This is not just my thinking – these are the findings of the MCATSIA report last year into the social and economic characteristics of Aboriginal people affected by forcible removals.<sup>4</sup>

This report from MCATSIA is another useful document for the Stolen Generations and anyone working in Indigenous policy development – because it provides the evidence base to demonstrate the link between forcible removals and contemporary Indigenous social and economic disadvantage.

3 Surveys conducted by the National Sorry Day Committee in 2002 found that several thousand people, particularly in country and rural areas, would make use of the Link-Up services if they could access them. Similarly the evaluation of the WA Link-Up service in 2005 concluded that there is considerable 'latent demand' for services from secondary and subsequent generations of the Stolen Generations. See Ubris Keys and Young, *Evaluation of the Bringing Them Home and Indigenous Mental Health Programs*, prepared for the Office for Aboriginal and Torres Strait Islander Health, Australian Government Department of Health and Ageing, Commonwealth of Australia, May 2007.

4 Available online at <http://www.mcatsia.gov.au/cproot/593/4318/Bringing%20Them%20Home%20Baseline%20Report.pdf>

These are facts that no government can afford to overlook – and information that everyone would hope shapes governments' responses to Indigenous child sex abuse and Indigenous family violence more generally.

These facts confirm that Indigenous health, education, employment and general life chances have all been reduced by forcible removal policies – and that the affects of these policies continue to hold back our kids from enjoying the opportunities that other Australians take for granted.

Ten years on – the time for government action and leadership is overdue.

Thank you

## 10.

## Global comparison

**Note:** This overview is based primarily on the Bringing them home report and provides a background to the policies and practices that authorised the removal of Aboriginal and Torres Strait Islander children from their families. It is not intended to be used as a comprehensive historical document.

### ‘Unoccupied’ land

Aboriginal people and their ancestors have occupied Australia for at least 40 000 years. They had with their own systems of law, languages and cultural practices. Although Indonesian traders had visited Australia in the 15th century it was not until the mid 1500s that European powers began to consider the possible existence of a ‘great southern land’.

Spanish and Portuguese explorers and merchants often chanced upon Australia’s shores by accident, reporting back to their governments. Dutch explorers such as William Jansz, Dirk Hartog and Abel Tasman made sightings and landings on Australia’s shores. These early colonial powers were mainly interested in commerce rather than settlement.

Some 140 years after the Dutch named this land mass ‘New Holland’, James Cook led the journey on the Endeavour. He was commissioned by the British Government to make three voyages, and to consider the trading and settlement possibilities. On 23 August 1770, after landing at Botany Bay, Cook claimed the land for the British Crown and named it New South Wales.

It was some 16 years before the British Government looked at settling New South Wales. Unlike many of Australia’s other colonies, New South Wales was initially set up as a penal colony. The traditional view is that Britain sought to relieve the pressure on its prisons. A growing urban underclass in its cities was causing increased crime and the loss of the American colonies necessitated a search for new places to deport convicts.

On 26 January 1788, the First Fleet landed carrying some 1 000 people, more than 700 of whom were convicts. The British also brought over a system of law, administration and cultural practices. Their vision of settlement was based on the European doctrine of *terra nullius*, or unoccupied land. This justification for settlement was used in spite of contact with Aboriginal people since Cook’s landing. No treaty or agreement for land use was made.

### Early colonisation

The New South Wales settlement was soon filled with convicts, colonial administrators and military police from Britain. Resistance and conflict between Europeans and Aborigines began almost immediately. Captain Phillip estimated there were 1 500 Aborigines living in the Sydney region.

Aboriginal communities who lived on or near the settlements were forced back into the territories of other communities. They protested against the colonial land claims and development. This pattern was followed once penal colonies were set up in Van Diemen’s Land (Tasmania) in 1803 and in Queensland in 1824.

Food and natural resources were major problems for settlers – the climate and geography were also very different from that in Europe. Human resources were also limited. There were very few farmers, carpenters and engineers, all needed to create a self-supporting colony. Health was also a problem for the settlers, though not as great a problem as the introduced diseases (carried on the First Fleet) were for Aboriginal people. In 1789 smallpox decimated the Aboriginal population of Port Jackson, Botany Bay and Broken Bay.

In 1790, a second fleet of migrants arrived from Britain – this time most on board were free settlers. Governor Phillip encouraged them to establish farming and grazing to the north and west of the settlement. Gradually, the colony began to grow and become self-sufficient.



During this expansion and exploration conflict between Aboriginal peoples and European settlers heightened, with quite violent consequences in many cases. In 1799 a six year period of resistance to white settlement by Aborigines in the Hawkesbury and Parramatta regions commenced. In Queensland, settlers poisoned Aboriginal people at Kilcoy Station in 1842 and there were attacks on Aboriginal camps at Breakfast Creek in 1860.

The situation was much worse in Tasmania, where an outright guerrilla war took place between Aboriginal people and settlers. In 1830, Governor Arthur tried unsuccessfully to drive all the remaining Aboriginal people in eastern Van Diemen's land on to the Tasman Peninsula.

Even in the later settlement of Western Australia, violent conflict occurred after areas were settled. For example, at the Battle of Pinjarra Governor Stirling led an expedition and opened fire against a group of Indigenous people after they had been involved in conflict with the local settlers.

According to British law, Aboriginal people became British subjects upon settlement. Governor Phillip was instructed to 'open an intercourse with the natives' and ensure their protection. Later on, settlements in South Australia and the Northern Territory were established with similar instructions – protection of Aboriginal people. After all, as British subjects (like the free settlers) they were entitled to equal treatment, at least theoretically.

## The first removals

Apart from this conflict, many Aboriginal children were separated from their families by settlers for use as cheap labour on farms and stations:

**... the greatest advantage of young Aboriginal servants was that they came cheap and were never paid beyond the provision of variable quantities of food and clothing. As a result any European on or near the frontier ... could acquire and maintain a personal servant.**

(Reynolds, Henry, 1990: *With the White People*. p169.)

In 1809, Lachlan Macquarie was appointed Governor. During this time missions and government-run institutions for Indigenous children were started. The first of these, the Native Institution, was funded by Governor Macquarie near Parramatta in 1814. It soon became clear to Aboriginal families that its purpose was to distance children from their families and communities. The school was closed down in 1820.

Major changes came after the *British Select Committee* held its inquiry into the treatment of Indigenous people in Britain's colonies. The report noted the particularly bad treatment of Aboriginal people in Australia. The Committee recommended that a 'protectorate system' be established in the Australian colonies. Under this system, two policies were to be adopted:

- segregation, by creating reserves and relocating Aboriginal communities to them
- education, which should focus on the young and relate to every aspect of their lives.

The system took some time to be adopted in Australia. Victoria was the first colony to do so, with its parliament passing the *Aborigines Protection Act* in 1869 and appointing the Aborigines Protection Board. The Board was responsible for putting the system in place. By 1911, the Northern Territory and every state except Tasmania passed similar laws and appointed similar boards. Most of them also appointed a Chief Protector who was given wide powers to control the lives of Aboriginal people. In some states, including the Northern Territory, the Chief Protector was also made the legal guardian of every Aboriginal child.

The laws essentially gave 'Protectors', who were usually police officers, the power to manage and control the reserves, and to send Aboriginal and Torres Strait Islander children to schools, institutions and missions. In the name of protection, Aboriginal people were subject to near-total control. Their



entry and exit from the reserves was controlled, as was their everyday life on the reserves, their right to marry and their employment.

Tasmania was the exception to this trend. Until the late 1960s, Tasmanian governments insisted that Tasmania did not have an Aboriginal population, just some 'half-caste' people.

## Merging and absorption

**Note: Throughout this section it is necessary in the interests of accuracy to quote the language of the times. Much of this language was and is offensive to Indigenous people. The terms 'full descent' and 'mixed descent' were not used. Instead categories of 'full blood', 'half Caste', 'quadroon' and 'octoroon' were applied.**

By the turn of the century, it became apparent that although the full-descent Aboriginal population was in decline, the mixed-descent or 'half-caste' population was growing. While this concerned many non-Aboriginal people, the government saw new possibilities for addressing the 'Aboriginal problem' in this trend. The problems posed by segregation, such as ongoing hostility, could be solved by merging the mixed-descent population into non-Aboriginal society. Others saw opportunities for biologically controlling the Aboriginal population.

Employment and education were central to merging Aboriginal people, particularly children, into non-Aboriginal society. State and territory governments shifted their policies to both of these, and did so armed with the powers granted by laws under the protectorate system. Under these policies, Aboriginal children could be separated from their families and sent to work for non-Aboriginal people or to schools/missions. At the same time, they were encouraged to give up their Aboriginality.

Governments began to change the protection legislation to suit this policy. The laws not only expanded the powers of 'Protectors', but also changed the definition of 'Aboriginality'. The new definitions drew differences between 'full-bloods' and 'half-castes', and applied laws differently to each group. This allowed the government to divide the groups and order separations and merging. For example, those defined as having a certain amount of European blood were prevented from living on the reserves and forced either to live in camps or in non-Indigenous areas. People within this definition who remained on the reserves were removed.

During the 1920s, every state and territory government opened schools and training institutions. Indigenous children were also sent to missions, usually run by church groups. Many of these institutions were some distance from the reserves, thus further separating children from their families and communities. The children normally lived in dormitories and the education they received covered every aspect of their lives. Indigenous languages and cultural practices were usually forbidden, and the discipline was severe.

Even though governments focused much attention on setting up these schools, they gave them little financial support. Conditions were harsh and the occupants often lacked adequate food, basic facilities and medical treatment. Many institutions were also overcrowded; conditions in the Northern Territory were particularly bad. At The Bungalow, near Alice Springs, 50 children and 10 adults were living in just three exposed sheds. The quality of education was also poor – often it was simply training for manual or domestic labour.

A number of Chief Protectors, such as Dr Cecil Cook (NT) and A.O. Neville (WA), saw in this new policy the possibility of biologically controlling the Indigenous population:

**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.**

(Dr Cecil Cook, as quoted in Hollinsworth, D (1998). *Race and Racism in Australia*.)

While other governments and Chief Protectors did not voice similar opinions, these extreme views provide insight into the possible underlying intentions of the policy in all states and territories. Many practices did target anything that would lead to the continued existence of a 'full-blood' population. For example, young women were the first to be targeted for separation and merging. This was just as much about controlling reproduction as it was about cheap domestic labour.

Despite the force of this new policy, merging failed. While mixed-descent Indigenous children were formally merged into non-Indigenous society, they simply did not 'become white'. On the contrary, those who were merged simply faced extreme disadvantage on two counts. Firstly, by being separated from their families and communities, and secondly, by facing discrimination when they entered non-Indigenous communities. An urban underclass of Indigenous people was also starting to grow in the cities.

## Assimilating Indigenous peoples

In 1937, the first Commonwealth-State Native Welfare Conference was held, attended by representatives from all the states (except Tasmania) and the Northern Territory. This was the first time Indigenous affairs were discussed at a national level.

The discussion was dominated by the Chief Protectors from Western Australia, Queensland and the Northern Territory, each of whom presented quite strong arguments in favour of assimilating Indigenous people into non-Indigenous society. In spite of previous failings of assimilation policies, the Conference agreed that assimilation should be encouraged:

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

(Commonwealth of Australia. 1937.

*Aboriginal Welfare: Initial Conference of Commonwealth and State Aboriginal Authorities.*  
Canberra: Government Printer.)

In practical terms, this meant another change in laws. After 1940, Indigenous children were governed by the general child welfare laws, which also applied to non-Indigenous children. Under these laws, a child could only be removed if found to be 'neglected', 'destitute' or 'uncontrollable'. These laws appeared to treat all children equally. However, in defining 'neglect', government officials also considered that poverty came into this meaning, thus justifying a ground for separation of Aboriginal and Torres Strait Islander children from their families.

Neglect and destitution were also features of most Indigenous peoples' lives precisely because of the treatment received from a history of colonisation. The application of these general laws only disadvantaged Indigenous people further by not addressing the underlying issues.

Unlike previous policies, this assimilation also meant increased monitoring and surveillance of Indigenous lives. For example, in some states, welfare workers were employed to inspect houses and monitor child attendance at school. These officers also had very close relationships with the police.

Thus, while the new laws promised change, in practice it was more a case of continued discrimination. The same welfare staff and police who had previously separated Indigenous children from their families were now responsible for enforcing the new laws.

During the 1950s and 1960s, even greater numbers of Indigenous children were separated from their families to advance the cause of assimilation. This placed an increasing burden on the schools and institutions, which were receiving even less funding. Child welfare departments responded by placing Indigenous children in foster homes or putting them up for adoption, rather than sending them to institutions. In 1971, for example, more than 97 percent of foster-care children in the Northern Territory were Indigenous.

By the early 1960s, it was clear that Indigenous people were not being assimilated – the policy had failed. Discrimination by non-Indigenous people and the refusal of Indigenous people to surrender their lifestyle and culture were standing in the way.

The promise of change came in 1967, with the successful constitutional referendum. The referendum altered the constitution to remove references to ‘Aboriginal people’ so that all people in Australia were to be subject to the same laws, and Indigenous people would be included in the census. Further, it gave the federal government powers to make laws for Indigenous people. As a result, a national Office of Aboriginal Affairs was established.

## Self-management and self-determination

Article 31 of the Draft Declaration on the Rights of Indigenous Peoples describes Indigenous self-determination in practical terms:

**Indigenous peoples, as a specific form of exercising their right to self-determination, have the right to autonomy or self-government in matters relating to their internal and local affairs, including culture, religion, education, information, media, health, housing, employment, social welfare, economic activities, land and resources management, environment and entry by non-members, as well as ways and means for financing these autonomous functions.**

In this context, self-determination is about achieving the full and effective participation of Indigenous peoples in Australian society. This involves recognition of the cultural distinctiveness and diversity of Indigenous people. Recognition of Indigenous customary law and practices is also a vital part of this push for self-determination.

By the early 1970s Indigenous people were working with some non-Indigenous people to lobby and protest to government for land rights, cultural property rights, recognition of disadvantage suffered from colonisation including the taking away of Indigenous children and a range of other social justice issues. The importance of self-determination was viewed by Indigenous people as essential to the full realisation of human rights.

Historically, the term self-determination was first applied to Indigenous policy by the incoming Whitlam Government in 1972. It replaced the by then largely discredited policy of assimilation, and included plans to address the very high rates of separation of Aboriginal and Torres Strait Islander children from their families.

The Fraser Government from 1975 retreated somewhat from the rhetoric of self-determination in Australian Indigenous policy, preferring instead the term ‘self-management’. The retreat was, however, largely symbolic as it overlaid a continuity of institutional development and reform of Indigenous policy and programs, most notably in the development of Indigenous community organisations and through the introduction of land rights legislation in the Northern Territory. In the same year, the federal government passed the *Racial Discrimination Act*. This law made discrimination on the basis of race unlawful.

State and territory governments were also under pressure from Indigenous people and the federal government to bring about change to the way Indigenous children were cared for in state and church run institutions.

At the first Australian Conference on Adoption in 1976, a policy based on self-management and Indigenous control was spelt out. The attention of child welfare workers was directed to the large numbers of Indigenous children who were placed with non-Indigenous families.

For the Aboriginal child growing up in a racist society, what is most needed is a supportive environment where a child can identify as an Aboriginal and get emotional support from other blacks. The supportive environment that blacks provide cannot be assessed by whites and is not quantifiable or laid down in terms of neat identifiable criteria ...

Aboriginal people maintain that they are uniquely qualified to provide assistance in the care of children. They have experienced racism, conflicts in identity between blacks and whites and have an understanding of Aboriginal lifestyles.

The Hawke and Keating governments both used the term self-determination almost interchangeably with that of self-management through the 1980's and early 1990's. The continued activism of Indigenous communities and growing awareness among welfare workers led to further changes in government practices. In 1980, Link-Up (NSW) Aboriginal Corporation was established. The service traced family movements and reunited Indigenous children with their families. Similar services now exist in every state and territory.

In 1981 the Secretariat of the National Aboriginal and Islander Child Care (SNAICC) was established. SNAICC represented the interests at a national level of Australia's one hundred or so Indigenous community-controlled children's services.

In 1983, the Aboriginal Child Placement Principle was developed and introduced into Northern Territory law. The basic requirement of this Principle was that Indigenous families must be the preferred option for placing an Indigenous child in need of alternative care. New South Wales, South Australia, Victoria and Tasmania followed this lead. The Principle was also informally introduced in Western Australia and Queensland.

In the 1990s, a number of significant changes to the way Indigenous people were viewed by non-Indigenous people took place. The most significant of these were:

- the establishment of the Council for Aboriginal Reconciliation by law of the federal Parliament in 1990
- the findings of the Royal Commission into Aboriginal Deaths in Custody in 1991
- the decision of the High Court in *Mabo v Queensland* in 1992
- the *Native Title Act* passed by the federal government in 1993
- the establishment of the National Inquiry Into the Separation of Aboriginal and Torres Strait Islander Children from Their Families in 1995
- the High Court *Wik* decision in 1996
- the Human Rights and Equal Opportunity Commission presents *Bringing them home* – the Report of the National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from Their Families presented to Federal Parliament in 1997
- the introduction of the *Native Title Amendment Act (Cth)* in 1998
- the People's Walk for Reconciliation in 2000.

## *Bringing them home* report

Throughout these reforms, Indigenous people also pushed strongly for recognition of the policies and practices that authorised the removal of Aboriginal and Torres Strait Islander children from their families since colonisation. Their lobbying and activism placed the issue on the agenda.

In 1995, the Human Rights and Equal Opportunity Commission was asked by the federal government to conduct a National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from Their Families. Two years later, the Commission handed down its landmark report called *Bringing them home*.

The report was a detailed national summary of the history of separations. It expressed difficulty in being able to come up with a definite figure for the number of Indigenous children separated from their families; but did estimate that between one in three and one in ten Indigenous children were separated from their families and communities between 1910 and 1970. This figure does not account for separations before 1910.

Most importantly, it found that most families had been affected, in one or more generations, by government policies and laws requiring the separation of Aboriginal and Torres Strait Islander children from their families.

## Links

- *Bringing them home* report: <http://www.austlii.edu.au/au/special/rsjproject/rsjlibrary/hreoc/stolen/>
- *Bringing them home* Community Guide: [http://www.austlii.edu.au/au/special/rsjproject/rsjlibrary/hreoc/stolen\\_summary/](http://www.austlii.edu.au/au/special/rsjproject/rsjlibrary/hreoc/stolen_summary/)
- *Social Justice Report 2002* – Chapter 2: Self Determination: [http://www.humanrights.gov.au/social\\_justice/sjreport02/chapter2.html](http://www.humanrights.gov.au/social_justice/sjreport02/chapter2.html)
- Australian Museum Online Indigenous Australia: <http://www.dreamtime.net.au>

**Note:** For recent developments and updates on what recommendations have been implemented from the *Bringing them home* report log on to the Social Justice section of the Commission's website at: [www.humanrights.gov.au/social\\_justice](http://www.humanrights.gov.au/social_justice)

## 10.

## Global comparison

**Note:** This overview provides a background to the policies and practices that authorised the removal of Indigenous children from their families in Canada. It is not intended to be used as a comprehensive historical document.

### Early contact

Soon after Christopher Columbus landed in the 'Americas' in 1492, British and French monarchs encouraged traders and explorers to journey across the Atlantic Ocean to North America. John Cabot (English) and Jacques Cartier (French) are just two explorers who landed in North America.

During this early period, there was little contact between First Nations (Indigenous Canadian) people and Europeans. Most contact was between First Nations people and traders. Trading required co-operation and relationships were based on mutual recognition of this need. Many traders relied on the knowledge and guidance of the First Nations in order to survive and succeed in the 'New World'.

The main source of conflict came with the missionaries, who tried to convert many First Nations communities to Christianity. The Europeans also brought diseases with them that First Nations people had not encountered before, and these devastated their communities.

### Alliances and conflict

By the 1600s, trade across the Atlantic had increased dramatically, with trading posts and military outposts to protect trade spread across the east coast of North America.

The Europeans, particularly the French, soon established settlements on the coast and began moving inland. The further inland they progressed, the greater the supply of raw materials for trading. However, this also meant increased contact with First Nations communities.

Gradually, the Europeans increased their military presence to protect trade – building military outposts along mainland trade routes. This increased military presence brought serious conflict with the First Nations, such as the French campaign against the Iroquois in 1665.

More devastating though, was the conflict between Britain and France, who brought their religious and political wars in Europe to North America. They were also competing for supremacy in trade in the 'New World'.

During this conflict, both British and French made military alliances with First Nations peoples. While these alliances recognised the sovereignty of First Nation peoples, the wars caused division and conflict between them. For example, the British allied with the Mohegans (or Mohegians) to fight against the Pequot people, resulting in a drastic population decline in both nations.

In 1763, there was a dramatic turn when France agreed to give its land in North America to the British through the Treaty of Paris. First Nations people were excluded from this treaty, even though the land was originally theirs.

With the war against France over, Britain could turn its attention to problems with settlers in its southern colonies (United States of America). In recognition of the support from First Nations people, and to discourage them from making alliances with American settlers, the British made the Royal Proclamation of 1763.

The Proclamation recognised:

- the sovereignty and self-government of First Nations people
- First Nations ownership of their land, unless it had been given away.



This meant that First Nations people continued to have control over their land and could only lose it by signing a treaty with the Colonial Government.

## Treaties and the path to assimilation

During the American War of Independence, many settlers from the south migrated north to escape conflict. These settlers, and new migrants from Great Britain, increased the demand for land. First Nations lands were now a major target for settlement.

From the mid-1800s, treaties were made with First Nations communities whereby those communities would hand over their land in exchange for reserves. First Nations communities saw this as an opportunity for protection, peace, guaranteed livelihood and economy. However, their understanding of what these treaties involved often differed from British understandings. They thought, in accordance with their own cultural practices, the treaties set up a system where land and resources were shared. In other words, they believed the treaties were no different to the agreements they would make between themselves.

The British had a very different idea of property (based on private property to the exclusion of others), and it was this idea of property that lay behind the treaties. As a result, First Nations people were removed from their land and resettled on reserves. These reserves would later allow the government and missions to control their lives.

When Canada confederated in 1867, its first Prime Minister declared that he would 'do away with the tribal system and assimilate the Indian people in all respects with the inhabitants of the Dominion'. To this end, the government passed the *Indian Acts* of 1876 and 1880.

The government used the reserves to control every aspect of the lives of First Nations people. For example, it could control elections, decide how resources on the reserves were to be used, control land ownership and determine the education of children.

## Education of Native Canadian children

Since colonisation, missionaries had established schools for First Nations children. By the 1800s schools set up by the government were run by the churches. There were two main types:

- boarding schools: located on or near the reserves
- industrial schools: located in the cities, and responsible for training First Nations children for manual labour.

Schools were central to the government's assimilation policy, a policy aimed at 'civilising' First Nations people and bringing them into colonial society. It was believed that education was the key – First Nations people would be instructed in 'civilised' ways from their early childhood. The only way to do this, the authorities argued, was to remove young children from their communities and raise them in a European setting.

Government and school operators believed that the further students were from their families and communities, the greater chance there was of them getting a successful education and responding to 'civilising' influences. So, First Nations children were taken to schools distant from their families and communities.

Students were taught reading, writing, maths and labouring skills in class. They were taught mainly in English (French in some cases), but there was no instruction in their traditional languages. In fact, at many schools students were severely punished if they spoke their native tongue.

As boarders, they were trained in all aspects of living, from early morning to late at night. Once they finished school, they were generally forced into domestic service for white families or manual labour in the cities. They were not encouraged to return to their communities.

The conditions in these schools were far from 'civilised'. Epidemics of tuberculosis and influenza, made worse by unhealthy and unsanitary conditions, spread through the schools. Many children died or suffered from severe illness. For example, at Duck Lake School nearly 50 percent of the students died from disease and malnutrition. Discipline was harsh and punishments were severe.

By 1908, after a government inquiry, it was clear the boarding and industrial schools had failed.

## The Residential Schools

In 1923, the government introduced the Residential Schools System and did away with the old industrial schools. The boarding schools were changed in name to 'residential schools' – new ones were also opened across the country. The government was attempting to deal with the problems centuries of forced education had created. About 105,000 First Nations children attended some 80 residential schools across Canada before the last ones closed in the 1980s.

While the residential schools were less harsh and better run, the problems of health and conditions continued. However, there was success in some schools, particularly in academic achievement. Many students performed well in their studies, especially in the arts. Even so, the removal of First Nations children from families and their cultures continued as it had under the old school system.

In 1948, the Canadian Government held yet another inquiry, again supporting the assimilation policy. However, the big difference was the gradual closure of Residential Schools and a move to end segregation. This meant that First Nations students attended the same day schools as non-First Nations students. These changes were, to some extent, brought on by calls from First Nation communities themselves.

Residential Schools continued to operate for First Nations children subjected to severe 'neglect or abuse'. What 'neglect' or 'abuse' meant, however, would still depend on the opinion of government and mission leaders.

In 1969, the Canadian Government released a policy promoting the assimilation of First Nations people into non-Indigenous culture and ways of life. The response of First Nations peoples was strong, defiant and swift (refer to the National Indian Brotherhood's *Indian Control of Indian Education* campaign). The government later withdrew the policy. While First Nations communities were then given some administrative control over the education of their children, they had little input or control over the practical aspects of this education.

The Canadian Government has adopted a three-pronged approach to addressing the issues faced by people sent to residential schools. The first stage was in 1988 with the creation of an independent Aboriginal organisation known as the Aboriginal Healing foundation to promote community healing projects for residential school survivors. The Foundation was required to fully allocate \$350 million to healing projects for residential school victims. This funding had to be allocated over a five year period and expanded over a 10-year period.

The Healing Foundation has mapped the histories of each of the residential schools, promoted reunions and assisted communities to develop their capacity to run their own programs which address the needs of those who were sent to residential schools. A major focus of this work has been dealing with the consequences of sexual abuse and violence.

- For information about the work of the Aboriginal Healing Foundation visit: <http://www.ahf.ca/>

The second stage of the Canadian Government's response to the residential schools has been the creation of a national language maintenance initiative of \$170 million over the next decade.



The third stage is a claims settlement process – known as the Resolution Framework. The Framework allows those who were mistreated through the residential school system to make an application and participate in a mediation process to be conducted by a former judge of Canada's highest court and ultimately be awarded monetary compensation on a sliding scale according to the harm inflicted. In 2005, the Canadian Government set aside \$1.9 billion for this process, as an alternative to litigation.

In May 2006, this compensation package became a settlement agreement, setting aside money for the Aboriginal Healing Foundation, for commemoration, for a Truth and Reconciliation program, as well as for individual claims for compensation. Compensation claims will vary depending on the number of years that students attended residential schools, with \$10 000 payable for the first year and \$3000 for every additional year of attendance.

The compensation package was approved by Canadian courts at the end of 2006. In 2008 the Canadian Government established a Truth and Reconciliation Commission.

## Links

- Canadian Human Rights Commission: <http://www.chrc-ccdp.ca/>
- Kids' Stop — Indian and Northern Affairs Canada: <http://www.ainc-inac.gc.ca/ks/index-eng.asp>
- History of the First Nations: <http://www.tolatsga.org/Compacts.html>
- Details of the Residential Schools Settlement:  
<http://www.residentialschoolsettlement.ca/English.html>

## 10.

## Global comparison

**Note:** This overview provides a background to the policies and practices that affected Indigenous people in New Zealand. It is not intended to be used as a comprehensive historical document.

### Aotearoa and the 'Pakeha' (White people)

The Maori first settled Aotearoa around 500 years before the first Europeans visited the North Island. The Maori established unique cultural practices and systems of law, mainly across the North Island.

After Tasman, the next European contact came in 1769 when Captain Cook came ashore, claiming the land for Britain. Despite Cook's suggestions that New Zealand should be colonised, the country would not see mass settlement for another 75 years.

European traders, whalers and missionaries were the main people to settle in New Zealand. A trade and whaling outpost was set up in the Bay of Islands, in a town called Kororareka, which soon grew with brothels and 'grog shops'.

Gradually, however, conflict flared up between Maori people and the settlers. The introduction of muskets had a significant impact on relations between Maori tribes. This included a series of inter-tribal wars, known as the Musket Wars. In response to this conflict and threats of French settlement, the British sent James Busby to New Zealand in 1833. As the 'Official British Resident', he attempted to establish stability and negotiate with Maori chiefs. He supported Maori independence and tried to unite the chiefs in a central government.

The chiefs were unwilling to do this, as it went against the traditional independence of Maori communities. Instead, a Declaration of Independence was signed in 1835 by some North Island chiefs. The Declaration implied recognition of Maori ownership of land and requested British protection.

### Treaty of Waitangi

Around this time, Edward Wakefield formed the 'New Zealand Company'. This private company bought land in New Zealand independently of the British Government and sold it on to new settlers at a profit. Wakefield settlements were established in several parts of New Zealand. Increasingly, the sale of land and population growth led to conflict between Maori and settlers.

Obviously, the Declaration did little to protect Maori land and solve the conflict. As more settlers arrived in the colony, Britain decided to annex New Zealand formally by making a treaty with the Maori people.

The Treaty of Waitangi, first signed on 6 February 1840, recognised Maori sovereignty while making them British subjects. There were three important aspects of the Treaty:

- the Maori people would have greater control over their lands and resources
- Maori land could only be sold to the Crown, who would then either keep it as Crown land or sell it to settlers
- The Queen would promise to maintain law and peace in New Zealand.

The Treaty was taken to Maori Chiefs around New Zealand, and some 500 Chiefs signed it. However, many Maori community leaders voiced their opposition, refused to sign and continued protests against land sales. There also remained a great deal of uncertainty and difference of opinion about what Maori sovereignty meant.

## Conflict and removal from land

In spite of the government's good intentions, the Treaty's promises to the Maori were only partially fulfilled. One effect of the Treaty was to give the government much more control over the sale, transfer and ownership of land.

Under the Treaty, the Maori could not sell land directly to settlers and could only go through the government. So, one of the major effects of the Treaty was to give the Colonial Government a virtual monopoly over land purchase.

This control over land purchase was certainly used by the Colonial Government. By 1851, the European population reached close to 27 000. With the increase in population came an increase in the demand for land — Maori land was sought after. The government used the Treaty to purchase land for sale to the settlers. In doing so, they would often make a sizeable profit.

This led to the New Zealand Wars – a series of land wars between the Maori and the settlers/Colonial government, and sometimes other Maori tribes.

One of the major land wars was in Taranaki, a region in the North Island where tension lasted for nearly 40 years. From the 1840s, there was conflict between different Maori hapu (tribes) and with the settlers. In response to Maori opposition, the government intervened from 1860, sending troops and confiscating Maori land. In 1881, government forces invaded and destroyed the Parihaka, a Taranaki settlement. Tensions remained after the fighting ended.

The government also made laws that allowed some Maori people to be imprisoned without a trial. After the wars, more than 1.7 million acres of Maori land were unlawfully confiscated. By 1920, the Maori tribes held only 4.8 million acres of land in New Zealand.

## Assimilation

Unlike Australia, there were no laws or policies for removing Indigenous children from their families. Even so, a formal policy of assimilation was in place towards the end of the nineteenth century. The government argued that education was the most effective way of integrating Maori people into white culture.

In 1867, the government introduced the *Native Schools Act*. Under this law, English later became compulsory for Maori students in primary schools. The Department of Education was responsible for Maori assimilation through education.

From the mid-twentieth century, Maori people began moving to the cities and away from traditional lands. By 1945, Maori ownership of land decreased further to just over three million acres. As their land gradually decreased, many Maori people relocated to the cities to live and work. In 1960, the Government introduced an 'urban relocation program' that encouraged Maori people to move off traditional lands and into cities. Under this program, 400 families were relocated in five years.

## Links

- New Zealand Human Rights Commission: <http://www.hrc.co.nz/>
- The New Zealand Wars: <http://www.newzealandwars.co.nz>
- Waitangi Tribunal — Schools Section: <http://www.knowledge-basket.co.nz/waitangi/school/school.html>
- For information on the Treaty of Waitangi <http://www.ots.govt.nz/>

## 10.

## Global comparison

**Note:** This overview provides a background to the policies and practices that affected Indigenous people in South Africa. It is not intended to be used as a comprehensive historical document.

### Early settlement

In 1652, Jan van Riebeeck of the Dutch East India Company arrived at the Cape of Good Hope after receiving instructions to set up an outpost en route to Asia for trade. Although privately owned, the Dutch East India Company was given authority by the Dutch Government to colonise territories and enslave the Indigenous people as workers.

Initially, the Dutch established good relations with the Khoikhoi and San, Indigenous people living in South Africa. Most of the settlers were simply traders, so they never built permanent settlements. Even so, many of the Khoikhoi and San were used as cheap labour, in addition to slaves brought over from India and West Africa.

However, it was not long before settlers migrated from Holland and set up their own community (the Boers). This migration was the first step in years of oppression and racial violence that would be a large part of South Africa's history.

The most immediate result of this settlement was disease and dispossession. The Europeans brought new diseases to the Cape, such as smallpox and measles, which caused the deaths of many Indigenous people. Those that remained were forced into labour. The growing European population also demanded more land for agriculture and development. By the early 1700s, the Khoikhoi had lost most of their land to the Boer settlers.

In 1814, the British were granted the Cape Colony as a result of a treaty ending the Napoleonic Wars. After 1820, thousands of British colonists arrived in South Africa, demanding land for development and that British law be imposed. For the Khoikhoi and San people, this meant more dispossession of land. However, there were two positive consequences of British colonisation. Slavery was abolished and laws were brought in to protect Khoikhoi workers.

The British settlement also brought a new turn to the racial conflict in South Africa. The Dutch settlers (now Afrikaners) insisted on maintaining their own independent culture and community. The British were also a new force in the conflict between Indigenous people and Europeans, particularly as the colony looked to expand.

### Expansion and racial wars

With increased British migration to the Cape, Dutch settlers embarked on a search for new territory to set up their own independent colony. The Great Trek, as it became known, saw vast numbers of Afrikaners migrate north into Zulu and Xhosa land.

This migration, combined with later expansion by Britain, led to a series of major conflicts and frontier wars with Indigenous peoples. Nine frontier wars spanned 100 years. For example, in 1838, the Afrikaners fought and defeated the Zulus at Natal in the east (Battle of Blood River).

In 1854, the Afrikaners tried to establish an independent colony called the Orange Free State. This could only be achieved by removing the Indigenous Basotho people by force. The Basotho had no other option but to call on the British for support, even though they had fought against them as well. Britain responded by establishing a 'protectorate' – an independent state under Britain's protection.

During this early period, the British were not interested in getting too involved in these conflicts. They wanted to maintain stability in the Cape Colony. This was to change by the late 1800s as European countries began to compete for colonies in Africa. Colonial leader, Cecil Rhodes, was hoping to build a railroad from Egypt (also British) right down to the horn of Africa. Of even more importance, was news of large gold and diamond deposits in the north.

The British now looked to expand their colony northwards. Of course, this meant conflict with both the Afrikaners and Indigenous people north of the Cape Colony. After an ongoing campaign, the Zulus were defeated in 1879 at Ulundi. The British and Afrikaners then fought over Afrikaner settlements in the north in what became known as the Boer Wars. These wars lasted until 1902. The British set-up concentration camps for Afrikaner and black men, women and children. It is estimated that some 14,000 blacks died in these camps.

The British success against the Indigenous populations and Afrikaners promised stability and control in South Africa. In 1910, the *South Africa Act* was passed by the British Parliament, establishing the Union of South Africa as a British dominion.

However, this came at a cost. Most Indigenous communities, such as the Zulus and Xhosa, were removed from their lands. Those that did not die in the conflicts were used in the mining industries as cheap labour. This would set the stage for yet another century of racial violence, segregation and oppression enforced by laws and government policies.

## Apartheid

Since colonisation, racial separatism had always characterised relations between Europeans, Indigenous people and imported slaves in South Africa. In the twentieth century it became enforced by law under the policy of 'apartheid'.

One of the first acts of apartheid as government policy came in 1913 with the *Native Land Act*. Under this law, Indigenous people were forbidden to buy land outside the reserves. Since reserve lands amounted to seven percent of all land in South Africa, this excluded them from owning land in 93 percent of the country. This law also prevented them from living off the land, forcing Indigenous people to earn a living from labour. This satisfied the mining industries who profited from cheap Indigenous labour.

Segregation then moved to employment, following the Rand Revolt in 1922. This was an armed uprising of white workers who were outraged by the use of cheaper black labour in preference to whites. They demanded that white workers be protected and that black workers be excluded from particular industries. After the Revolt was stopped, with 200 people dead, the government passed a law banning black workers from certain mining jobs and managing positions.

After World War II, apartheid was declared a formal government policy under the ruling National Party. A range of discriminatory laws were introduced, including:

- *Groups Areas Act* – this created separate living areas for whites, blacks, 'coloureds' (people of mixed blood) and Asians. Blacks needed passes to enter white areas, otherwise they would be imprisoned. Millions of arrests were made as a result of this law.
- Marriage between whites and blacks was illegal.
- Separate education for black and white students, with black schools receiving very little money.
- Promotion of the *Bantu Self-Government Act* – this law ended black representation in the Parliament.

Overall, many Indigenous people lost their lives or were imprisoned. At the same time, the European population was rapidly developing land for mining or residential use. The apartheid policy attracted criticism from the United Nations (UN) and the international community.

## Resistance and Violence

In 1912, the South African National Congress was formed. Later changing its name to the African National Congress (ANC), it became the main resistance organisation to apartheid. Decades later, one of its members, Nelson Mandela, became the first black leader of South Africa.

One of the ANC's first actions was to put together the Freedom Charter. Signed in 1955, the Charter sought equality and rights for all in South Africa regardless of race. The ANC also wanted the loss of Indigenous land and community to be recognised by white South Africa.

The government responded with violence to the ANC's calls for peace, equality and freedom. Black resistance was forced to become much more militant because of the government's response. In March 1960, the Pan-Africanist Congress (a more militant group) organised a protest in a town near Johannesburg. The police opened fire killing 67 people and seriously wounding 180. The Sharpeville Massacre, as it became known, resulted in the arrests of many blacks and a ban on the ANC.

Soon after the successful referendum making South Africa a republic, the government gave police more powers to arrest and imprison people without a warrant. The *Terrorism Act* of 1967 allowed people suspected of terrorism, or knowing about terrorist activities, to be imprisoned without trial for an indefinite period of time. Of course, the main targets of these laws were black South Africans, particularly those involved in protests.

Many children were imprisoned and tortured as well. This was often done to get information from them about the activities of other members of their families.

By this stage, South Africa was attracting immense criticism from the United Nations and the international community. During the 1970s, South Africa attacked neighbouring Angola – an action condemned by the UN. However, it was the internal policy of apartheid that concerned the UN most. In 1974, South Africa was suspended from the UN General Assembly, and which by the 1980s, was referring to apartheid as a crime against humanity.

This did not deter the government. On 16 June 1976, the conflict reached crisis point. Thousands of high school students demonstrated in the black township of Soweto. They protested in response to a government law requiring that high school subjects should be taught in Afrikaans (similar to Dutch), which was seen as the language of oppression. Again, the police responded with violence killing at least 575 people. Rioting and conflict spread quickly across the country.

This pattern of black protest and white violence continued into the 1980s. A state of emergency was declared in 1986. During the following two months, some 3,000 children were detained. Gradually, however, the combination of black protests and international pressures led to reform. In 1990, the ruling National Party government lifted the ban on the African National Congress, and released Nelson Mandela from prison after twenty seven years. Apartheid legislation was gradually removed, and the first multi-racial elections were held in 1994, which the ANC won by an overwhelming majority.

In 1995, the South African Government set up a Truth and Reconciliation Committee to bear witness to, record and in some cases grant amnesty to the perpetrators of crimes relating to human rights violations, reparation and rehabilitation.

## Links

- South African Human Rights Commission: <http://www.sahrc.org.za/>
- Children Rights and Law Reform in South Africa – An update from the Juvenile Justice Front: <http://www.dci-au.org/html/sa.html>
- The Story of Africa – BBC World Service: <http://www.bbc.co.uk/worldservice/africa/features/storyofafrica/index.shtml>
- South African History Online: <http://www.sahistory.org.za/>
- Embassy of South Africa – The Hague: <http://www.zuidafrika.nl/>

## 10.

## Global comparison

## Activity sheet

## Why are comparisons important?

Making comparisons between things can often help develop our understanding of them. We become aware of differences and similarities between things we might normally take for granted by seeing them in isolation. For example, by comparing histories we can see what differences and similarities exist, how these differences come about (what factors and conditions are operating) and what the dominant trends are.

## Part A – Drawing comparisons

Recommended pre-reading: *Australia – A national overview* resource sheet

1. Read the section on Australia and one or two other countries that have a history of colonisation (Canada, New Zealand, or South Africa).
2. Fill in the following chart below, highlighting key experiences of colonisation and the impact on Indigenous peoples. (Use extra paper for more than one comparison)

Key questions	Australia	Other
1. What was the immediate impact of settlement on the Indigenous people of this region?		
2. Was trade an important part of early colonisation? If so, describe the impact of trade in this region.		
3. List some impacts of expansion of the colony on Indigenous people. Did 'frontier wars' or any other form of conflict occur?		
4. Were Indigenous children separated from their families and communities in this country?		

Key questions	Australia	Other
5. Describe any resistance to colonial governments from Indigenous people. What type of conflict was there, if any?		
6. Describe some of the efforts made by Indigenous and non-Indigenous people (including government) to live together harmoniously.		

## Part B – Differences and similarities

- Using the information above and also drawing on any other general points you have noticed write down three differences and similarities between experiences of colonisation in two of the above countries. Your examples can be quite specific or general.

	Differences	Similarities
1.		
2.		
3.		



2. Think about your response to the following questions for class discussion.

- What differences did you notice between what happened in different countries?
- Can you explain how these differences came about? What factors contributed to these differences?
- What are the similarities?
- What new information have you learned about the removal of Indigenous children from their families?
- Discuss some reasons for European nations to set up colonies throughout the world. What were the main reasons for Britain to set up a penal colony in Australia?
- Were the reasons similar or different to those in New Zealand, South Africa or Canada?

## Part C – Writing an exposition

Expositions may be written:

- to persuade readers to agree with a writer's particular point of view or thesis
- to compare and/or contrast topics and develop a case that will persuade the reader that the writer's premise is correct
- to analyse the topic, presenting all points of view and stating the logical conclusion or expecting that the reader will form a logical conclusion based on the information provided by the writer.

Expositions may be in the form of essays, letters, policies, critical reviews, advertisements.

Write an exposition on issues relating to the treatment of Indigenous children in the countries discussed above. Choose one of the questions and follow the steps below.

Option one	Option two
<p>'Six o'clock, out of bed, wash ... Talk like whites, behave like whites, pray like whites. Be white.'</p> <p>(extract from <i>Six O'Clock ... Outa Bed</i>, by James Miller, 1994)</p> <ul style="list-style-type: none"> <li>• To what extent were the aims of the assimilation policies (in Australia) to make Indigenous people 'white'?</li> <li>• Where there similarities in the way assimilation policies of different countries valued 'white' at the expense of Indigenous cultures?</li> <li>• Were there any practices evident that explicitly targeted the destruction of Indigenous culture and identity?</li> </ul>	<ul style="list-style-type: none"> <li>• What were the economic and political effects of imperialism for Indigenous communities?</li> <li>• How widespread were these effects for the individual, family and community?</li> <li>• Were there other effects – such as psychological, health, emotional or cultural?</li> </ul> <p>(Explain with reference to Australia's experience and the experience of colonisation in Canada, New Zealand or South Africa.)</p>

1. Think about the question in light of what you have already learnt about the separation of Aboriginal and Torres Strait Islander children from their families.

2. Is the question asking you to:

- Present a persuasive argument?
- Compare or contrast positions or arguments?
- Analyse all points of view, making a final argument for one of those views?

3. Write a thesis (a statement of the basic position you will take). This should be stated in the beginning of your exposition (introduction) and restated at the end (conclusion).

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4. Using the table below, write down three points that support your thesis and three points which support the argument against your thesis. These will form the basis of your argument and the body of your exposition.

Exposition – Presenting both sides of the argument	
Your thesis:	
Arguments to support your thesis: 1.  2.  3.	Supporting evidence:
Arguments against your thesis: 1.  2.  3.	Supporting evidence:
Conclusion or summary:	

With these points, you can start writing your response to the question. Remember that you are trying to persuade your reader.

## 10.

## Global comparison

## Suggested answer sheet

## Part A – Drawing comparisons

The following suggestions are intended as a guide only. Students may find additional information in their research.

Key questions	Australia	Country one (New Zealand)	Country two (South Africa)
1. What was the immediate impact of settlement on the Indigenous people of this region?	Conflict occurred immediately between settlers and Indigenous people.  Indigenous communities were forced to relocate.	Inter-tribal wars.	Racial violence and slavery.
2. Was trade an important part of early colonisation? If so, describe the impact of trade in this region.	No, settlement was the focus of early colonisation.	Yes, early on Maori people saw trade as an advantage.	No.
3. List some impacts of expansion of the colony on Indigenous people. Did 'frontier wars' or any other form of conflict occur?	Guerrilla war took place between Aborigines and settlers.	Land wars took place between Maori settlers and the colonial government.	Frontier wars took place over a 100 year period.
4. Were Indigenous children separated from their families and communities in this country?	Yes, in every state, under the authority of a variety of different laws.	Not under official practices.	Not formally, though they were often used for cheap labour, which meant informal removal.
5. Resistance by Indigenous peoples to government policies is a common thread in these histories. What form did resistance take in the country and what changes were brought about?	Personal resistance was always present to the removal of children.  Political organisation of Indigenous peoples in the 20 <sup>th</sup> Century led to greater recognition after the 1967 referendum.	Land wars took place between the colonial government and various Maori tribes from the 1850s to the 1920s.	There were many forms of resistance to colonial oppression in South Africa, from land wars in the early years to formal political organisation under the African National Congress (ANC) from the 1950s onwards.

Key questions	Australia	Country one (New Zealand)	Country two (South Africa)
<p>6. Assimilation policies were adopted by some colonial governments to 'merge' Indigenous peoples into white society. Describe some of the practices of assimilation, such as schools for Indigenous children.</p>	<p>Indigenous people moved off traditional lands.</p> <p>Indigenous children removed to white schools, missions and into forced labour, and often forbidden to make contact with family or speak traditional language.</p>	<p>'Native Schools Act' introduced, making English compulsory for Maori children in schools from 1867.</p> <p>'Urban relocation program' encouraged Maori people to move off traditional lands and into cities from 1960.</p>	<p>Assimilation was not a policy pursued in South Africa. Rather, policies were implemented to ensure segregation and apartheid.</p>

## Part B – Differences and similarities

	Differences	Similarities
1.	Some countries pursued policies of assimilation, while others practiced segregation and apartheid.	Some form of violent conflict between settlers and Indigenous people occurred in every country.
2.	Children were not always separated from their families.	Indigenous people were always discriminated against by governments.
3.	Trading with Indigenous communities was not always initially pursued.	Indigenous peoples always lost a great deal of land.

# Follow the Rabbit-Proof Fence by Doris Pilkington

**Subjects:** English, Arts/Drama, Australian Studies, Aboriginal Studies

**Level:** Year 5 and up (10 years and up)

**Time needed:** 1–4 lessons

## Introduction

In 1996, Doris Pilkington published her award-winning novel *Follow the Rabbit-Proof Fence*. The story draws on the experiences of three young Indigenous women (Molly, Gracie and Daisy) who escape a settlement school to return to their families. The account highlights many of the themes and issues raised in *Bringing them home*. The book is now being used in many schools as a text for teaching about the broader issue.

NOTE: It is highly recommended that teachers consider the sensitivities around teaching controversial issues prior to distributing materials. Discussion around topics such as forced removals continues to generate a high level of emotion in many communities.

**Warning:** These materials may contain images of deceased Aboriginal and Torres Strait Islander persons.

## Aim

The activities are intended to help develop student's awareness around the issues associated with forced removal of children through the study of text.

The activities can be photocopied for class use and used individually or as an entire resource.

## Learning outcomes

Students are encouraged to identify connections between the texts and gain a stronger understanding of the issues around forcible removals.

In these activities students will develop:

- a general understanding of the Stolen Generations issue, the laws involved and general experiences/effects encountered by Indigenous communities
- reading and comprehension skills by working with different kinds of texts
- skills in research and analysing information.

## Activities/resources

- *Follow the Rabbit-Proof Fence* by Pilkington, Doris  
University of Queensland Press 1996 (ISBN: 0 70223281 5)
- *Bringing them home* community guide
- Resource sheets from *Bringing them home*
- Pre-reading activity sheet
- Common experiences activity sheet
- Exploring the stories activity sheet
- Key questions activity sheet

## Teaching strategies

### 1. Pre-reading activities

These activities are designed to assist students in discovering what they already know about the subject area. Activity 1 poses a number of questions about the 'Stolen Generations' issue.

Students work in groups to discuss and explore the issues. Each group should then report back to the classroom about the things they have discovered.

This pre-reading activity assists students in developing an understanding of the subject matter and the vocabulary of the text covered in the following activities.

Students should then be directed to read *Follow the Rabbit-Proof Fence* by Doris Pilkington.

The *Bringing them home community guide* is available on the Commission's website at: [www.humanrights.gov.au/social\\_justice/bth\\_report/index.html](http://www.humanrights.gov.au/social_justice/bth_report/index.html).

### 2. Common experiences

Activity 2 consists of two tables – one containing common experiences; another lists common effects on Indigenous lives. For each experience and effect, students are asked to give an example from *Follow the Rabbit-Proof Fence*.

Activity 2 assists students to explore some of the common experiences of members of the Stolen Generations through their reading of *Follow the Rabbit-Proof Fence*.

### 3. Exploring the stories

Teachers can either allocate stories to students or let them choose their own. There is also the option for students to work on these individually or as a group.

Students compare their story with that of Molly, Gracie and Daisy. Their investigations are directed by a set of questions for each story.

They then report back to the class, providing a summary of their responses to the questions. This could be followed by brief discussion.

Activity 3 requires students to explore stories from the Inquiry and assists them to draw comparisons between the two texts.

### 4. Key questions

Students are given a set of 'key questions' relating to the book and study guide. Students can either work on these individually (reporting back to class) or in groups.

Activity 4 assists students to gain an understanding of the legal frameworks that were used to remove children from their families.

Students should be encouraged to explore other sources for information on Indigenous history throughout these activities.

A film study guide to *Rabbit-Proof Fence* is also available at: <http://www.eniar.org/news/pdfs/Rabbit-proofFence.pdf>

# 11.

## Follow the Rabbit-Proof Fence

### Pre-reading activity sheet

Working in pairs or groups, explore what you already know about the removal of Indigenous children from their families by answering the following questions:

1. Make a list of things you know about the history of removal of Indigenous children from their families.

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2. What information do you know about the Australian Human Rights Commission?

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3. Why are national inquiries conducted by government and statutory bodies?

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4. What information do you know about the *National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from Their Families*?

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11.

# Follow the Rabbit-Proof Fence

Common experiences activity sheet

When HREOC (now the Australian Human Rights Commission) held its national inquiry, it received 777 submissions. Most submissions reported on personal experiences of removal from families and communities. While the stories differed according to the person or place they grew up, many of them had common experiences.

1. Find an example from *Follow the Rabbit-Proof Fence* that relates to the common experiences mentioned in the *Bringing them home* report. Write this in the right-hand column.

Personal experience reported to the <i>Bringing them home</i> Inquiry	Experiences of Molly, Gracie and Daisy in <i>Follow the Rabbit-Proof Fence</i> .
Children were discouraged from family contact.	
Children were taught to reject other Aborigines and Aboriginality.	
Institutional conditions were very harsh.	
Children's education was often very basic.	
Excessive physical punishments were common.	
Children found happiness with new families.	
Authorities failed to care for and protect the children.	

- 2a. The removal of children had a wide range of effects on Indigenous people and communities. Did the experiences of Molly, Gracie and Daisy affect their lives as children and adults? If so, how?

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2b. Give an example from *Follow the Rabbit-Proof Fence* that relates to each of the effects listed below.

Effects on individuals and communities reported to <i>Bringing them home</i> Inquiry	Examples from <i>Follow the Rabbit-Proof Fence</i>
Loss of heritage	
Loss of the primary carer in infancy	
Forcibly removed	
Indigenous parenting skills undermined	
The next generations at risk from health issues	

## 11.

# Follow the Rabbit-Proof Fence

## Exploring the stories activity sheet

When the then Human Rights and Equal Opportunity Commission (now the Australian Human Rights Commission) held its national inquiry it received stories from Indigenous people and groups around Australia about their experiences of removal. Some of these stories appear on the Commission's website, with permission from those who submitted them. They can be found at:

[http://www.humanrights.gov.au/social\\_justice/stolen\\_children\\_personal\\_stories.html](http://www.humanrights.gov.au/social_justice/stolen_children_personal_stories.html)

1. Working in pairs, read one or more of the 17 stories available from the link above. Write down some of the experiences described in the stories you have read below.
2. After discussing the stories you have read, select one and write the name of the person whose story you have chosen in the first space of the third column in the table on the following page.
3. Complete the answers to the questions in the first column as they relate to *Follow the Rabbit-Proof Fence* and your selected story from the *Bringing them home* report.
4. Report back to the class, giving a brief summary of the person's experience, and compare it with the story of Molly, Gracie and Daisy.

Questions	Experiences of Molly, Gracie and Daisy in <i>Follow the Rabbit-Proof Fence</i>	Experiences discussed in the <i>Bringing them home</i> Inquiry story Story name:
What are some of the differences between their experiences?		
What state/territory were they in?		
How old were they when they were removed?		
Who removed them or how were they removed?		
Where were they put after they were removed?		
What are some of the similarities between their experiences?		

## 11.

*Follow the Rabbit-Proof Fence*

## Key questions activity sheet

'Thousands of miles south, politicians and other officials were planning the destinies of children like Molly, Gracie and Daisy.' Pages 39–40, *Follow the Rabbit-Proof Fence*.

'The common belief at the time was that part-Aboriginal children were more intelligent than their darker relations and should be isolated and trained to be domestic servants and labourers. Policies were introduced by the government in an effort to improve the welfare and education needs of these children.' Page 40, *Follow the Rabbit-Proof Fence*.

In the *Bringing them home* education materials, you will find a timeline

<http://www.humanrights.gov.au/education/bth/timeline/index.html>. Using the timeline answer the questions below:

1. When were these laws or policies introduced in Western Australia? What was the main thing the law did about Indigenous children like Molly Craig?

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2. In the timeline, find a similar law that operated in another state or territory. When was it introduced? What did it mean for Indigenous children?

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3. The author of *Follow the Rabbit-Proof Fence* starts her story from when the first military post is set up in what is now called Western Australia. What reasons do you think the author had for starting here and not from when Molly, Gracie and Daisy were born or removed?

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4. During their journey back to Jigalong, the three main characters are pursued by a police constable and an Indigenous 'tracker'. How do you think the tracker might have felt about trying to find them, especially given that he was also Indigenous?

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5. Write a summation of your overall response to your studies of *Follow the Rabbit-Proof Fence* and the stories from the *Bringing them home* report. What have you learned that you didn't know before? Express your views and opinions on some of the issues raised in your reading.

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12.

# *Is that you Ruthie?*

## A play by Ruth Hegarty

**Subjects:** English, Arts/Drama, Australian Studies, Aboriginal Studies  
**Level:** Year 5 and up (10 years and up)  
**Time needed:** 1–4 lessons (can be used as a complete unit of study or separately as required – refer to individual activities)

### Introduction

Plays, novels and film can be used as a starting point for students to develop an understanding of the experiences of Indigenous children who were separated from their families. Using techniques of performance and textual analysis develops this understanding.

These activities use Ruth Hegarty's award winning memoir as a starting point for students to develop a better understanding of the experiences of Indigenous children who were separated from their families.

*Note:* It is highly recommended that teachers consider the sensitivities around teaching controversial issues prior to distributing materials. Discussion around topics such as forced removals continues to generate a high level of emotion in many communities.

**Warning:** These materials may contain images of deceased Aboriginal and Torres Strait Islander persons.

### Aim

*Is that you Ruthie?* is Ruth Hegarty's personal story, including her arrival at Cherbourg Aboriginal Mission as a small child, her life as a dormitory girl and her experiences as a domestic sent out to work on a station homestead. The activities in this resource are intended to assist students in reading and responding to the text.

The activities can be photocopied for class use and used individually or as an entire resource.

### Learning outcomes

Through these activities students will develop:

- an understanding of the short and long-term experiences of Aboriginal and Torres Strait Islander children who were removed from their families and institutionalised in missions and children's homes
- skills in exploring histories and social justice through reading and discussion
- skills in analysing, evaluating and responding to literature.

### Activities/resources

- *Is that you Ruthie?* by Ruth Hegarty  
Queensland University Press – <http://www.uqp.uq.edu.au>  
Third Edition, 2003, ISBN: 0 7022 3415 X Predictions, reading, discussions activity sheet
- Exploring the Setting – timeline activity sheet
- What did Ruthie experience? – comparison activity sheet
- Points of view – creative writing activity sheet

During the process, students should also be given access to the following resource sheets from the *Bringing them home* resources:

- Personal stories resource sheet
- *Australia – A National Overview* resource sheet
- *The effects across generations* resource sheet
- *What did Indigenous people experience?* resource sheet
- *The History: Queensland* resource sheet
- *The Laws: Queensland* resource sheet

## Teaching strategies

### 1. Predictions, reading, discussions activity

The prediction activity is designed to introduce the text to students and identify what they already know about the issues/ideas explored in the text. It also creates a framework for further study of the text.

1. Initially, students work on the prediction worksheet individually – identifying the title, author, publisher etc; exploring the images and illustrations included, and rating their interest in the text. They must also list five issues they predict will be explored in the text.
2. After completing the prediction worksheet, encourage students to share their predictions with the class. Construct a class ‘prediction list’ based on the issues raised during the discussion.  
  
(During the discussion ensure that students recognise the connections between ‘*Is that you Ruthie?*’ and the information they have explored in other *Bringing them home* activities) .
3. After students have completed the prediction worksheet, teachers should read the *Introduction* and *Chapter 1 – ‘Just a Little While’ – the Move to Barambah* aloud to students (or students read in groups).
4. Follow the reading with a class discussion, focussing on the predictions identified in the pre-reading discussion. Revisit the ‘prediction list’ and identify which predictions were correct. (Some of the predictions will appear later on in the text).

The discussions could focus on:

- the story – setting, characters, language
- the historical context – the *Bringing them home* timeline is a useful resource for this
- the connections between Ruthie’s story and the personal stories reported to the National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from Their Families.

A series of discussion questions for each chapter of the book have been included on the worksheet. These can be used to debrief students after their reading of each chapter or during group and class discussion.

To facilitate the process, ask groups to select one question they wish to answer for each chapter, or alternatively assign a chapter to each group of students and ask them to report back to their classmates with an overview of the issues in a visual or written format.

5. Students now work individually to finish reading the text. Dependent upon classroom objectives, teachers may wish to implement appropriate strategies to assist students during this process.
6. When students have completed reading and discussing the text, they revisit their predictions worksheets and assess which of their predictions were correct, noting down any new information they have learnt. This also a good opportunity to answer any questions which may have arisen – the *Bringing them home* resource sheets provide useful reference material. The following question can be used as a final point for discussion:
  - *Is that you Ruthie?* provides a very personal insight into the lives of Indigenous children who were removed from their families in the 1930s and 40s. Why is Ruthie’s story important? What can we learn from it?



## 2. Exploring the setting – timeline activity

This activity is designed to assist students in establishing historical references to the story they have just read. Using the *Bringing them home* timeline as a starting point, students undertake research to create a historical context for *Is that you Ruthie?*

1. Students work in pairs to fill in the table, identifying dates, times and places directly from *Is that you Ruthie?* Teachers may wish to include further discussion about the place names and traditional language included in the text at this stage.
2. Using the *Bringing them home* timeline and maps as a starting point for their research, students establish a historical framework for Ruthie's story. They should include relevant events in Australia at the time, information about the laws that were in place at the time and any other information that they feel is relevant. The links included in the *Bringing them home* Timeline and maps will also be useful, however access to the library and other references materials may also be useful.
3. After completing their research, students present their findings in a creative format. They could use a timeline format similar to the *Bringing them home* timeline, or explore an alternative. A number of suggestions have been included on the worksheet.
4. After completing their creative responses (and performances where appropriate) teachers should engage students in a discussion to debrief. This should include clarification of the information students have discovered during their research to ensure that they have understood the legal and social frameworks that allowed for children like Ruthie to be treated as they were.

## 3. What did Ruthie experience? – comparison activity

This activity provides strategies to assist students in comparing Ruthie's story with the personal stories provided to the *Bringing them home* Inquiry. It uses storytelling to develop an understanding of the differences and similarities of the experiences of Indigenous children who were separated from their families.

1. Students select one of the personal stories from the module. Teachers should ensure that students understand that the personal stories included in the module are sourced from evidence submitted to the *National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from Their Families*, and that the evidence included in these stories contributed to the findings and recommendations included in the *Bringing them home* report.
2. After reading the personal story they have selected from the module, students work individually to draw comparisons using the table provided.
3. Working as a class discuss the comparisons the students have made. Discussion questions are provided on the worksheet.
4. During the discussion, ensure that students understand how the separation of Aboriginal and Torres Strait Islander children from their families had long-term effects on those people who were removed, their families and their communities.

## 4. Points of view – creative writing activity

This activity is designed to assist students explore the social context for Ruthie's story, including the laws and attitudes within the community at the time. Through creative writing, students examine the points of view of the characters identified in the text and use information gathered during the previous activities to inform their writing.

1. Students identify important characters in Ruthie's story, noting their relationships with each other. After identifying the characters students' work together to discuss each character's perspective on the Cherbourg Mission and policies that allowed for the removal of Indigenous children from their families, noting their opinions on the activity sheet provided.
2. Each group should come up with an agreed statement on three of the characters that they have identified as a group.
3. Discuss the agreed statements each group has come up with as a class, noting similarities and differences between each group's perspectives.
4. After identifying the characters in the text, students work individually to respond to the text through creative writing. A series of scenes from Ruthie's story have been included on the activity sheet to inspire student writing. However, teachers and students may wish to identify their own scenes from the text to write about.
5. During the writing process teachers should encourage students to engage with others to edit and improve their own writing.
6. Encourage students to share their work with others. Teachers may wish to work with students to create a display, website or publication of their collected stories.

## 12.

*Is that you Ruthie?*

## Predictions, reading, discussions activity sheet

1. Examine *Is that you Ruthie?* by Ruth Hegarty. Don't start reading yet – just look at the cover, read the information about the author on the title page and explore the text on the cover. Check out the images and illustrations included throughout the text.

Complete the following table:

Author:	
Publisher:	Publication date:
No of pages:	No of chapters:
Setting:	
Where is the story set? What period in history?	
Note the photos and illustrations included: <i>What do they tell you about the story?</i>	
Other details: <i>Note any other information you have discovered</i>	
Rate your interest in this text	
Summary: <i>Write three sentences describing what you think this book is about</i>	

2. Use the following table to write down three issues/ideas/events you expect to read about. What predictions do you make about this book?

Predictions	What do you know?	Assessing your predictions
Write down an idea/issue/event you expect to read about in <i>Is that you Ruthie?</i>	Note anything you already know about the ideas/issues/events you have identified	Was your prediction correct? Note any new information you gathered from <i>Is that you Ruthie?</i>
1.		
2.		
3.		

3. After completing your predictions, read the rest of the text. While you are reading work with your classmates to consider the following discussion questions:

### Chapter 2: In the Dormitory

- Discuss the characters you have identified during your reading. What are their relationships to each other?
- Discuss the living arrangement Ruby and Ruthie experience when they arrived at the dormitory. What were some of the reasons for segregating children and young women from their families at the camp?
- Discuss what happened to the rest of Ruthie's family. How did life on Cherbourg Mission affect them?

### Chapter 3: The Little Girl's Dorm – School and Separation

- Ruby and Ruthie were both separated from their families. Discuss how separations affected each individual family member. For further information refer to the *Effects across generations* resource sheet.
- Think about the personal stories you have read from the *Bringing them home* report. Discuss the similarities and differences between those stories and Ruthie's experiences.
- Discuss life in the dormitory. What were the conditions like? What were some of the punishments Ruthie and the other girls experienced? Were there any good things about living in the dormitory?

### Chapter 4: Into the Big Girl's Dorm

- Discuss how the dormitories were run. Who had authority?
- Compare Ruthie's experiences with yours – think about school, family life, friendships. Imagine yourself in Ruthie's place – what is the hardest thing about living in the 'big girl's dorm'? And the best thing?
- Discuss some of the other girls living in the dormitory with Ruthie. What happens to them?
- What did Ruthie and the other children in the dormitory do for fun?

### Chapter 5: Domestic Service

- Discuss the training the children in the dormitory received. How does it differ from your own experiences at school?
- Imagine yourself in Ruthie's place – discuss what it would be like to travel to a place you've never heard of, far from your family, to work for a new employer.
- Ruthie was required to go out and take on domestic work. She was paid a low wage, part of which went back to the government. Discuss the legal system in place at the time. Refer to the *Laws: Queensland* for further information.
- Discuss Ruthie's experiences at the station at Jandowae. Refer to the letters from the Superintendent, the Mistress and Ruthie included in the text for evidence.

### Chapter 6: Leaving the Dormitory

- Discuss Ruthie's experiences after leaving the dormitory. What happens to her? How does her experience of separation affect the rest of her life?
- Although the historical records are limited, the government kept files on the Indigenous children who were separated from their families. Discuss Ruthie's feelings when she discovers her own records at the Department of Family Services.

## 12.

*Is that you Ruthie?*

## Exploring the setting – timeline activity sheet

1. Refer the text to identify where and when *Is that you Ruthie?* is set. Write the dates, time and places you have identified in the table below. Attach additional sheets if required.

Setting	Places:
	<p>Dates:</p> <ul style="list-style-type: none"> <li>• When did Ruthie first arrive at Cherbourg Mission?</li> <li>• When did Ruthie go out to work as a domestic servant?</li> <li>• When did Ruthie leave the mission?</li> </ul> <p><i>Note any other dates you think are important.</i></p>

**Historical context**

2. After identifying the important dates and places in the text, use the *Bringing them home* timeline to establish what was going on in Australia at the time. Write down any important dates you have identified below. (Also refer to the *Laws: Queensland* resource sheet to establish the laws that were in place at the time that allowed for the things that happened to Ruthie and her family.)

Historical Context	Relevant dates in Australia's history:
	Laws that were in place at the time:

**Creative response**

Use the information you have discovered to present your own perspective on this history. You could choose one of the following projects or alternatively come up with your own idea. Discuss your plan with your classmates and teachers. Think carefully about the ideas that you wish to present. Ensure that you use the historical facts you have discovered in the presentation.

- Create a series of newspaper articles detailing what was going on at the time. Use the information you have discovered to make your stories credible and present your stories in a newspaper format.
- Create a short performance which details what was going on at the time. You could dramatise a scene from the text, or recreate an actual event you have discovered during your research; or you could write a song or speech about the information you have gathered.
- Create your own short story about the life of an Indigenous child separated from their family. You could write an overview of the person's life, or choose to focus on a particular event such as the actual event of separation, or going out to work as a domestic.
- Choose some scenes from the text. Create images that illustrate the scenes of events you have chosen. You could create drawings of the setting, detailing what you think it must have been like, or find historical photographs that illustrate the story from the library or the internet.

## 12.

*Is that you Ruthie?*

## Comparison activity sheet

1. Compare Ruthie's story with one of the personal stories from the *Bringing them home* submissions.

What happened?	Ruthie's story	Personal story from the <i>Bringing them home</i> submissions
Who separated the children from their family and community?		
How were the children separated from their families?		
Experiences the children had separately from their families		
How long were the children away from their families?		
Emotional response of the children who were separated from their families		
Numbers of brothers and sisters also separated from their families		
Some positive experiences the children had		
What happened to other family members (parents, siblings or children)?		





## 12.

*Is that you Ruthie?*

## Creative writing activity sheet

1. Use the table below to identify some of the characters in the story. Make notes about what happens to them during the story and their relationship to Ruthie.

Character	Relationship to Ruthie
Make notes on the characters you have identified and what happens to them during the story.	How is this character related to Ruthie? How do their actions affect Ruthie?

2. In *Is that you Ruthie?* Ruth Hegarty tells her story from her own personal perspective. Through her we learn about what happen at the Cherbourg Aboriginal Mission and how she felt about it. However the other people in the story also have a point of view.
- a. Using the information through your reading and your character comparisons, write your own version of one of the following events from the text. Your version should show the same event, but with a different viewpoint. (*You will need additional paper*)
- Use evidence from the text (shown below) to make your writing credible.
- b. Share your writing with others and discuss the decisions you have made.

## Scene 1 – Ruby and Ruthie are separated:

When it finally came, Mum was not ready for the separation. How could she be? No mother would willingly give up her child, but mothers were powerless when Matron made these decisions. I was anxious to start school so I'd be with my friends. I did not know that this would also mean I would be taken away from my mother. Mum said I could barely get to sleep that night I was so excited.

From *Is that you Ruthie?* by Ruth Hegarty. P. 26.

### Points of view:

- Adopt Ruby's (Ruthie's mum) perspective. What was it like to be separated from your child? How did you feel?
- Adopt the Matron's perspective. Why have you decided to send Ruthie to school? Why do you believe separating Ruthie from her mother will be good for her? For Ruby? For the community?

## Scene 2 – Ruthie finds out that she will be sent out to work as a domestic:

Matron ordered, "You're to go over to the office, Ruth. Eric will take you over" I was glad the policeman taking me over to the office was my favourite uncle, Eric. We walked over not saying much, I was hoping I wouldn't be sent away before the kids came home from school. "Please," I said to myself. "Don't send me today." Mr Smith, the clerk in charge of issuing instructions when we went to work, called me into his office and informed me that the time had come for me to be sent out to work.

I was glad when he told me I was not to go for a couple of days. As he talked he completed the paper work and, even before I left his office, I was given a lecture about how to conduct myself when out working.

From *Is that you Ruthie?* by Ruth Hegarty. Pg. 97.

### Points of view:

- Adopt Uncle Eric's point of view. How do you feel about seeing another member of your family sent out to work as a domestic servant?
- Adopt Mr Smith's perspective. Why have you made the decision to send Ruthie out to work? Why do you think this will be good for Ruthie? For the community? For the government?



13.

# *Stolen*

## A play by Jane Harrison

**Subjects:** English, Arts/Drama, Australian Studies, Aboriginal Studies  
**Level:** Year 8 and up (12 years and up)  
**Time needed:** 1–8 lessons

### Introduction

Plays, novels and film can be used as a starting point for students to develop an understanding of the experiences of Indigenous children who were separated from their families. Using techniques of performance and textual analysis develops this understanding.

*Stolen* by Jane Harrison was first produced by Ilbjerri Aboriginal and Torres Strait Islander Theatre Co-operative and Playbox Theatre Centre, in association with the Melbourne Festival (21 October 1998).

**Note: It is highly recommended that teachers consider the sensitivities around teaching controversial issues prior to distributing materials. Discussion around topics such as forced removals continues to generate a high level of emotion in many communities.**

*Warning: These materials may contain images of deceased Aboriginal and Torres Strait Islander persons.*

### Aim

The Australian Human Rights Commission has developed this set of activities focusing on *Stolen* to provide teachers with an additional approach for exploring the separation of Aboriginal and Torres Strait Islander children from their families from a more personal perspective. These activities use performance techniques and textual analysis to assist students to explore the text and can be used in the classroom, or as part of the rehearsal process for actual performance.

The activities can be photocopied for class use and used individually or as an entire resource.

### Learning outcomes

Students will develop:

- an understanding of the short-term and long-term experiences of Aboriginal and Torres Strait Islander children who have been separated from their families
- skills in exploring histories and social justice through performance and discussion
- an understanding of theatre as a tool for communicating and discussing social issues
- skills in analysing and using dramatic texts.

### Activities/resources

- *Stolen*, Jane Harrison  
Publisher: Currency Press  
ISBN: 0868196800
- *Making the Connections* activity sheet
- *Character Profiles* activity sheet
- *Scene Analysis* activity sheets (1–5)
- *Key Questions* activity sheet

The following resources from *Bringing them home* are also required to complete the activities.

- *Australia – A National Overview* resource sheet
- *The effects across generations* resource sheet
- *What did Indigenous peoples experience?* resource sheet
- *Personal stories* resource sheet
- *The Laws* resource sheets

Please note: page references in the activity sheets may differ across editions of *Stolen*.

## Teaching strategies

### 1. *Stolen* pre-reading questions

**Note:** These pre-reading questions consolidate issues explored in other sections of the *Bringing them home* education resources and are a useful starting point if the *Stolen* activities are being taught on their own. Teachers should move on to the next step if these have already been discussed as part of the activities in previous sections.

Before commencing reading, the class should be directed to discuss what they already know about *The National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from Their Families*.

A set of questions is included below to aid in the discussion:

- Over what period of time were children separated from their families?
- Where were the Indigenous children taken?
- What happened to them once they were taken to those places?
- Were they ever allowed to go back to their parents or family?
- What kinds of experiences, both positive and negative, do you think Indigenous people involved in this history had?
- What did the Inquiry say about what has happened to the children who were 'taken away'?
- Have governments taken notice of the recommendations made by the national Inquiry?
- What do you think would happen today if Indigenous children were taken from their families?

The aim of this discussion is to establish what students already know about the separation of Indigenous children from their families.

This is also an excellent opportunity to introduce some of the vocabulary of the issue. The *Bringing them home Glossary* provides useful information.

### 2. Reading the play

After exploring the issues with class discussion, students should read the play, *Stolen*. The play is quite short at 36 pages.

Teachers may wish to assign the reading to students individually, or alternatively break the class into groups with each student taking a role to read the play together.

### 3. Making the connections

After reading the play, teachers should assist students to make connections between the plot/storyline and the issues raised by the *Bringing them home* resources. The activity sheet provided will help students to make connections between both sets of materials.

It consists of two charts. One concerns the common experiences of those Indigenous children who were removed. The other concerns the common effects of that removal process.

Students are asked to compare the experiences and effects contained in both sets. A number of these experiences and effects are identified, and students are asked to find examples within the play.

## 4. Class discussion

This discussion should consolidate the questions in the previous activities, and the connections between the play and *Bringing them home* resources. Students should be encouraged to identify the issues (what happened, how it affected people, etc) and cite examples from the play.

Focus questions:

- What new information have you learned about the separation of Indigenous children from their families?
- How does the play pick up on some of the issues raised in the *Bringing them home* material?
- How are some of the experiences and effects brought out in the characters and plot?
- What further information do you feel you need to know?

By this stage, students should have a firm enough understanding of the issues raised in both sets of material to then engage in a more detailed performance-based and textual analysis of the play.

## 5. Character profiles

Students should now be able to prepare character profiles using the information they have learned so far and the worksheet provided, which provides a series of questions that guide the students' response. Teachers should not feel limited to these questions. This exercise can be done individually or in pairs.

Students should then choose one character profile to develop as a piece of prose writing, using the *Personal stories* resource as a guide. Teachers should encourage students to be creative when imagining the 'gaps' in each story.

Students may wish to refer to *The Laws* resource sheets of a particular state or territory relating to the separation of Indigenous children from their families to guide the development of their writing.

The aim of these exercises is two-fold:

- to understand how characters are developed within a narrative
- to further penetrate the issue through a character's development.

By this stage, students should have some understanding of:

- a character
- characterisation in dramatic texts
- how these social justice issues are brought out through characters.

## 6. Scene analysis

Students perform prepared excerpts from the play for presentation to the class as a whole. The aim of this exercise is for students to explore the issue through dramatic engagement with the play as both performers and audience. Teachers should be less concerned with accurate representations of characters and plot.

Five sets of scenes have been prepared for students to work on in groups of six. (Each set varies in terms of the number of characters). The activity sheets contain a list of characters, background to the scenes and a set of discussion/focus questions for students to use in preparing their scenes.

The groups should be given a copy of the activity sheet and directed to re-read the relevant extracts.

**Reading**

Students should be directed to read the extracts in groups. Some background information is provided, which indicate how the scenes work within the rest of the play. While reading, students should be asked to consider:

- how the extracts may be performed
- how the extracts are relevant to *Bringing them home*
- what key issues the extracts identify or deal with.

**Discussing**

Students are then asked to discuss the extracts with a focus on how they can be used to express some of the issues raised in *Bringing them home*. They are also asked to consider characterisation and staging. A set of discussion questions is provided.

**Developing**

This is the rehearsal stage. Students decide on roles, run through the script orally, and apply some of the ideas generated from the discussion. They should run through it a few times. Students are also asked to think about reasons for making decisions about staging, characterisation etc.

**Performing**

Groups then present their scenes to the class as a whole. After their performance, they should have an opportunity to explain why they made certain choices in developing their performance and what elements of the issue they thought were strongest in the scenes. Dialogue between the group and the rest of the class should be encouraged.

## 7. Class discussion

It is important that students are able to discuss the themes raised throughout these activities as a class. Four important themes are:

**Ideas about 'home'**

- What meanings of 'home' were discussed in the play?
- What different experiences of 'home' might other Indigenous children who were separated have?

**Ideas about time**

- How does time pass in the play?
- How do the different understandings of time presented in the play and evident in the experiences of those separated differ from the accepted notion of time as past, present and future?
- What different ideas of time might people who were separated have?

***Bringing them home***

- What new information have you learned about the separation of Indigenous children from their families?
- How did the play increase your understanding of the issue?

**Theatre and social justice**

- How can theatre be used for dealing with issues of social justice?
- Is there a place for human rights in theatre and performance?



## 8. Key questions

By this stage, students should have a fairly comfortable knowledge on the issue, its presentation in the play and its relationship to *Bringing them home*.

Working individually, students answer *Key questions* activity sheet. The aim of these questions is to consolidate knowledge gained during study of the play.

## Additional exercises

The following extension activities could also be used, dependent upon resources available and classroom objectives:

- After a group has presented their scenes, allow class discussion based on the provided discussion questions for those scenes. Did the class agree with the decisions made by the group, and were the group's opinions presented clearly?
- Allow the group to be guided by observations made by the class overall. The group may then re-rehearse the scenes to see if the discussed issues can be made clearer, or if a different approach/emphasis can be put forward in the scenes' presentation.
- After a group has presented their scenes, allow class discussion based on the discussion questions provided. For each main character, how were they hindered/assisted in reaching their goals in these scenes?
- After discussion, allow the group to re-write the scenes so the characters experience their most desired outcome in the situation.
- Allow students to do some background reading on the original production/workshops of *Stolen*. How do reviews of the production compare to students' impressions of the text?
- Produce the full text of *Stolen* with your class. Involve the Indigenous community in the project as much as possible eg. invite Indigenous representatives to speak to the class/school about their experiences of separation.

## 13.

*Stolen*

## Making the connections activity sheet

The *Bringing them home* Report and *Stolen* are texts that differ stylistically – one being the report of a formal inquiry process, the other a play for performance. Even so, they are both texts that concern the history of removing Aboriginal and Torres Strait Islander children from their families. The Inquiry found that many people had shared or common experiences, and that the long-term effects of the removals were also often similar.

### Part one: What did Indigenous peoples experience?

Listed below are some of the common experiences of those Indigenous children who were removed. Find an example from what you know of the characters in *Stolen* that relates to each of these.

Common experiences mentioned in <i>Bringing them home</i>	Character	What happened to that character?
Discouraged from having contact with their family		
Taught to reject Aborigines and Aboriginality		
Conditions in the institutions were very harsh		
Their education was often very basic		
Excessive physical punishments		
Authorities failed to care for and protect the children		
Some found happiness		

## Part two: What were the long-term effects?

Listed below are some long-term effects the removals had on Indigenous people and communities. Again, these come from the submissions presented to the Inquiry. Find an example from *Stolen* that suggests or represents each of these listed effects.

Long-term effects of removal	Example in <i>Stolen</i>
Loss of the primary carer in infancy	
Indigenous parenting skills were undermined	
Loss of heritage	
Delinquency and other behavioural problems	
Racism	

13.

# Stolen

Character profiles activity sheet

Select a character from *Stolen* and answer the questions below:

### Where are they from?

- What does 'home' mean to the character according to their first line?
- How did they get to where they are?
- What happened to them? Does the plot reveal how they were removed?
- Do you think they have a strong sense of where they came from or their identity?

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### What are the character's general characteristics?

- In what ways is this character strong?
- What is their general tone of speech/attitude?
- How would you describe them? Refer to sections or lines from the play to justify your statement.
- What 'markers' or things are used to reveal something about their character?
- How would you describe their personality?

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### What is the character's 'crucial issue'?

- What is their main issue, concern or problem?
- How is their removal relevant to this concern?
- Can you find a story from the Inquiry that is similar to this character's?

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### Relationships

- How does this character relate to each of the other characters?
- Which character do you suppose they would have the strongest connection with? Why?
- Do the characters have the same level of support?

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### 'The Welfare'

- What relationship do they have or have they had with 'the Welfare'?
- Do they have any interaction with 'the Welfare' during the play?
- What relationships do they have with non-Indigenous people in the play?

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## How does the character develop?

- What is the turning point for this character?
- What are the other key events they experience in the play?
- How do they develop or change from the beginning to the end?
- Did your opinion of them change at any stage throughout the play? If so, what made you change your opinion?

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## Where is the character going by the end?

- What happens to the character in the end?
- Where do you think they are going?
- Do they find home?
- What do they discover that they didn't know in the beginning? How do they respond to this?

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## 13.

# Stolen – Scene analysis (Group 1)

## Activity sheet

Theatre and performance are often used to represent important social issues, encouraging different interests and perspectives to be presented and then discussed by those watching. Whether as performers or audience members, we can explore these perspectives in the same way, for example, we can develop a different understanding of ourselves by looking in the mirror.

This can challenge other methods of communication, such as the media, where issues often are not discussed but are just as closed and final as the print on the page.

In this exercise, you have the opportunity to explore the issues raised in *Bringing them home* by performing excerpts from a 1998 play, *Stolen*. Working in groups, you will develop your own production of these pieces. The aim is not so much an accurate representation of the scenes, but to explore how performance can be used to understand a social issue.

Throughout this exercise, you are encouraged to draw on what you have learned about the removal of Indigenous children from the material in this unit and bring that to your discussions and performance.

### 1. Reading

Read the following scenes. The background gives you some information about how these scenes work within the rest of the play.

#### Scenes

- ‘Am I Black or White?’ – pages 28–29
- ‘Anne’s Scene’ – page 34

#### Background

Anne was adopted at a very young age and she finally meets her ‘real mother’ in the first scene. Her ideas about what her ‘real’ family would be like were different to the reality. She feels torn between the two families that she is connected to. Her Indigenous and non-Indigenous connections both want her to feel like she belongs to them.

In the second scene, Anne talks directly to the audience. She tells us about how she feels a connection to both of the different cultures. A big part of her dilemma is that she doesn’t know where she fits in. Anne says: “I don’t know where I belong anymore...”

#### Characters

- Anne, Father, Mother, First Black Voice, Second Black Voice, Third Black Voice, White Voices (7)
- Anne

### 2. Discussing

In your groups, start discussing how you might perform these scenes. Consider the following production elements:

- Characterisation
- Staging (How would you use lighting? What props do you need?)
- Performance (What actions will reveal something about the issue?)
- Tone of voice

Here are some discussion questions to guide you.

### Scene 1

- What were Anne's expectations of her Indigenous family?
- What effect does the sheet showing silhouettes of her families produce?
- What do Anne's non-Indigenous parents want from her?
- What do Anne's Indigenous parents want from her?
- Is Anne able to resolve these different demands?

### Scene 2

- Anne tells us how she is finding it difficult to resolve the two sets of expectations from the different cultural groups. What does she say that they want?
- Anne says that she doesn't know what she wants or where she belongs anymore.
  - What has been the impact of finding out about her Indigenous heritage from her adoptive parents?
  - What has happened to Anne's sense of identity?
- What does the imagery of giving different chocolates (dark and milk) for Mother's Day suggest?

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## 3. Developing

Now you can develop some of the ideas that came out of your discussion and see how they will work in performance. Your group will present these scenes to the class, so the next stage is rehearsal.

- Amongst yourselves, decide who will play which part. If there are more people in your group than characters, you may want to rehearse it a couple of times with different people playing different characters. Alternatively, you may be able to think of other ways to incorporate the extra people into the scenes.
- Run through the script once by just reading lines.
- Start preparing the scenes as they will be performed. Use your discussion time to make decisions about movement, props etc.
- Obviously, you will not be introducing lighting or sound into your performance, but it is a good idea to think about how you would use these if you could.

## 4. Performing

Each group will present their scenes to the class.

Each performance will be followed by a discussion of the performance and what elements of the issue were brought out. Feedback on further work and development can also be provided.



## 13.

# Stolen – Scene analysis (Group 2)

## Activity sheet

In this exercise, you have the opportunity to explore the issues raised in *Bringing them home* by performing excerpts from a 1998 play, *Stolen*. Working in groups, you will develop your own production of these pieces. The aim is not so much an accurate representation of the scenes, but to explore how performance can be used to understand a social issue.

Throughout this exercise, you are encouraged to draw on what you have learned about the removal of Indigenous children from the material in this unit and bring that to your discussions and performance.

### 1. Reading

Read the following scenes. The background gives you some information about how these scenes work within the rest of the play.

#### Scenes

- 'Your Mum's Dead' – pages 11–13
- 'Jimmy's Story' – pages 26–28

#### Background

In both these scenes Jimmy appears on stage with a voice-over of his mother's letters being read. They are obviously not read in his 'world'. We learn that Jimmy is told by the authorities that his mother is dead, and about Jimmy's feelings of loneliness and dejection.

In the second scene, Jimmy is leaving a prison cell. It opens with a voice-over of another letter from his mother, this time written to the authorities. It gives more background about his mother and what has been happening in his parents' lives.

Jimmy goes to a pub where he is recognised as being the son of Nancy Wajurri. He realises what he has felt for a long time – that his mother is actually alive. We get some history about what happened to Jimmy when he was removed.

#### Characters

- Jimmy, Matron, Jimmy's Mother (3)
- Jimmy, Jimmy's Mother, Man, Sis One, Sis Two (5)

### 2. Discussing

In your groups, start discussing how you might perform these scenes. Consider the following production elements:

- Characterisation
- Staging (How would you use lighting? What props do you need?)
- Performance (What actions will reveal something about the issue?)
- Tone of voice

Here are some discussion questions to guide you.

#### Scene 1

- What are some of the effects of having voice-overs for both the Matron and Mother?
- Compare the tones of the Matron and Mother.
- What effect do you think is the Mother's appearance on stage meant to have on the audience?
- What emotions/moods are being suggested to the audience by:

- The voice-overs
- The mother standing off-stage
- The letters being projected over Jimmy's face.
- What is happening while the letter is being read out? What do you think is the play's intention here?
- Can you think of any similarities between this first scene and the stories you read from the Inquiry?
- What do you make of Jimmy's speech on pages 12–13?

## Scene 2

- Compare the letter in this scene to the previous one. What do you think the mother is trying to say?
- Why was Jimmy put in prison (this is revealed earlier in the play)? How would the audience know this scene opened in a prison setting?
- Why do you think Jimmy responds to the people in the bar with an angry or serious tone?
- 'It's been a long time since I've seen my people'. What did the Inquiry have to say about Indigenous children being removed from their culture and people?
- Why do you think Harrison leaves it to this later scene to tell the audience what happened to Jimmy?
- What feelings and thoughts would be going through Jimmy's mind after he learns his mother is still alive?

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## 3. Developing

Now you can develop some of the ideas that came out of your discussion and see how they will work in performance. Your group will present these scenes to the class, so the next stage is rehearsal.

- Amongst yourselves, decide who will play which part. If there are more people in your group than characters, you may want to rehearse it a couple of times with different people playing different characters. Alternatively, you may be able to think of other ways to incorporate the extra people into the scenes.
- Run through the script once by just reading lines.
- Start preparing the scenes as they will be performed. Use your discussion time to make decisions about movement, props etc.
- Obviously, you will not be introducing lighting or sound into your performance, but it is a good idea to think about how you would use these if you could.

## 4. Performing

Each group will present their scenes to the class.

Each performance will be followed by a discussion of the performance and what elements of the issue were brought out. Feedback on further work and development can also be provided.

## 13.

# Stolen – Scene analysis (Group 3)

## Activity sheet

In this exercise, you have the opportunity to explore the issues raised in *Bringing them home* by performing excerpts from a 1998 play, *Stolen*. Working in groups, you will develop your own production of these pieces. The aim is not so much an accurate representation of the scenes, but to explore how performance can be used to understand a social issue.

Throughout this exercise, you are encouraged to draw on what you have learned about the removal of Indigenous children from the material in this unit and bring that to your discussions and performance.

### 1. Reading

Read the following scenes. The background gives you some information about how these scenes work within the rest of the play.

#### Scenes

- 'Cleaning Routine 2' – pages 17–19
- 'Ruby's Descent into Madness' – pages 24–25

#### Background

Ruby, who has been abused, is the main character in these scenes. She is described by the playwright as '*A very young child who feels abandoned. A used and abused young woman. A crazy beyond reach*'.

In the first scene, she asks sarcastically what the children think they are going to be when they grow up. Each career option, from nursing to farming, is rejected by an anonymous 'Authority Figure'. Finally, the domestic servant option is accepted. The children then dance and sing to the tune of 'We're happy little Vegemites!' The words they sing reflect the lack of options available to them.

The second scene shows Ruby being pushed around by many different authority figures. She is abused by people who have power over her life.

#### Characters

- All the children and an authority figure (6)
- Ruby, authority figures, lady, teenager, others (students can play several roles in this scene).

### 2. Discussing

In your groups, start discussing how you might perform these scenes. Consider the following production elements:

- Characterisation
- Staging (How would you use lighting? What props do you need?)
- Performance (What actions will reveal something about the issue?)
- Tone of voice

Here are some discussion questions to guide you.

#### Scene 1

- Why are the children not able to pursue careers other than being a domestic servant?
- Who do you think the 'Authority Figure' could be?
- The children sing together a different set of lyrics to the familiar tune of 'We're happy little Vegemites!'

- What effect does setting different words to this iconic tune produce?
- What impact does this parody have?
- What does this scene suggest about the education that children who are removed from their families receive?
- What are the conditions under which they are forced to perform menial labour?

## Scene 2

- Ruby gets abused in this scene by many people. What sorts of abuse does she suffer?
- Who are the different people who abuse her?
- How does she respond to the stream of abuse?
- What is the tone of this scene?
- Can you think of parallels between Ruby's story and other stories of children's experiences told to the Inquiry?

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## 3. Developing

Now you can develop some of the ideas that came out of your discussion and see how they will work in performance. Your group will present these scenes to the class, so the next stage is rehearsal.

- Amongst yourselves, decide who will play which part. If there are more people in your group than characters, you may want to rehearse it a couple of times with different people playing different characters. Alternatively, you may be able to think of other ways to incorporate the extra people into the scenes.
- Run through the script once by just reading lines.
- Start preparing the scenes as they will be performed. Use your discussion time to make decisions about movement, props etc.
- Obviously, you will not be introducing lighting or sound into your performance, but it is a good idea to think about how you would use these if you could.

## 4. Performing

- Each group will present their scenes to the class.
- Each performance will be followed by a discussion of the performance and what elements of the issue were brought out. Feedback on further work and development can also be provided.

## 13.

# Stolen – Scene analysis (Group 4)

## Activity sheet

In this exercise, you have the opportunity to explore the issues raised in *Bringing them home* by performing excerpts from a 1998 play, *Stolen*. Working in groups, you will develop your own production of these pieces. The aim is not so much an accurate representation of the scenes, but to explore how performance can be used to understand a social issue.

Throughout this exercise, you are encouraged to draw on what you have learned about the removal of Indigenous children from the material in this unit and bring that to your discussions and performance.

### 1. Reading

Read the following scenes. The background gives you some information about how these scenes work within the rest of the play.

#### Scenes

- 'Line-Up 1' – pages 5–6
- 'Line-Up 2' – page 13
- 'Line-Up Age Twelve' – page 17
- 'Line-Up 3' – page 20

#### Background

The 'Line-Up' scenes bring all of the characters together on the stage. These scenes show the common experiences of the children and also how they are affected in different ways. By bringing the characters together, the audience learns about the range of impacts that 'being stolen' has had on the individuals.

'Line-Up 1' shows the children arranging themselves by skin colour from lightest to darkest. 'Line-Up 2' involves the children being evaluated one by one. Jimmy sells himself by saying 'I'm a real good boy!'

The issue of being chosen for domestic service is shown in 'Line-up Age Twelve'. It portrays Ruby being selected for domestic service.

'Line-Up 3' shows the children lining up to be chosen for a weekend away with a white family.

#### Characters

- Jimmy, Sandy, Ruby, Shirley, Anne in each scene

### 2. Discussing

In your groups, start discussing how you might perform these scenes. Consider the following production elements:

- Characterisation
- Staging (How would you use lighting? What props do you need?)
- Performance (What actions will reveal something about the issue?)
- Tone of voice

Here are some discussion questions to guide you.

- What does the first line-up scene say about the way Indigenous people were labeled by government authorities and other officials?
- What does the scene showing Ruby being selected for domestic service suggest about the rights of children who were put into domestic service?

- What are the different emotional responses of the children to the experience of being judged by officials?
- What is the common experience that each of the children go through in the line-up scenes?
- Are some children affected emotionally more or less by each line-up?
- What is the range of responses from the children?
- What government policies are referred to in the different line-up scenes?
- Can you think of any similarities between these scenes and the stories about being taken away in the Inquiry?

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### 3. Developing

Now you can develop some of the ideas that came out of your discussion and see how they will work in performance. Your group will present these scenes to the class, so the next stage is rehearsal.

- Amongst yourselves, decide who will play which part. If there are more people in your group than characters, you may want to rehearse it a couple of times with different people playing different characters. Alternatively, you may be able to think of other ways to incorporate the extra people into the scenes.
- Run through the script once by just reading lines.
- Start preparing the scenes as they will be performed. Use your discussion time to make decisions about movement, props etc.
- Obviously, you will not be introducing lighting or sound into your performance, but it is a good idea to think about how you would use these if you could.

### 4. Performing

Each group will present their scenes to the class.

Each performance will be followed by a discussion of the performance and what elements of the issue were brought out. Feedback on further work and development can also be provided.

## 13.

# Stolen – Scene analysis (Group 5)

## Activity sheet

In this exercise, you have the opportunity to explore the issues raised in *Bringing them home* by performing excerpts from a 1998 play, *Stolen*. Working in groups, you will develop your own production of these pieces. The aim is not so much an accurate representation of the scenes, but to explore how performance can be used to understand a social issue.

Throughout this exercise, you are encouraged to draw on what you have learned about the removal of Indigenous children from the material in this unit and bring that to your discussions and performance.

### 1. Reading

Read the following scenes. The background gives you some information about how these scenes work within the rest of the play.

- 'Unspoken Abuse 1' – page 8
- 'Unspoken Abuse 2' – page 15
- 'Unspoken Abuse 3' – page 23

### Background

There are three of these scenes through the play. Each of them connects with the scenes called 'Line-Up'. Basically, in the Line-Up scenes, the children form a line and one is selected to be taken to a non-Indigenous home for a weekend visit.

In these scenes, the child returns. Ruby returns in 'Unspoken Abuse 1' and 'Unspoken Abuse 2'. Jimmy returns in the third scene.

### Characters

- Jimmy, Ruby, Anne, Sandy, children (5 upwards)
- Jimmy, Ruby, Anne, Shirley, children (5 upwards)
- Jimmy, Ruby, Shirley, children (4 upwards)

### 2. Discussing

In your groups, start discussing how you might perform these scenes. Consider the following production elements:

- Characterisation
- Staging (How would you use lighting? What props do you need?)
- Performance (What actions will reveal something about the issue?)
- Tone of voice.

Here are some discussion questions to guide you.

- Why are these scenes called 'Unspoken Abuse'?
- What is the purpose of these scenes and how do they relate to the 'Line-Up' scenes?
- What do these scenes have in common? What are their differences?
- What difference do you notice between the children's responses and answers in each scene?
- Why do you think the children are chanting?
- Why do they stop chanting?
- What is the effect of not saying what happened to Ruby and Jimmy?
- What do you make of Jimmy's response, 'Oh Ruby!', in the first two scenes?
- What emotions or feelings do each of the scenes evoke?





13.

# Stolen

Key questions activity sheet

1. Who is 'The Welfare'? Which characters and voices represent 'The Welfare' in the play?

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2. Even though 'The Welfare' plays an important role in the play, this is generally one of physical absence from the stage. What other images are used to represent 'The Welfare' in the play?

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3. How do you think the representation of 'The Welfare' matches up with the stories from the Inquiry?

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4. In the 'Unspoken Abuses' scenes, the children ask questions through a chant or song. Who do you think they are addressing? What are the effects of 'revealing' the information in this way?

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5. What do you think 'home' means for the characters? What different ideas of home does the play present?

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6. What comments could you make about how time passes in the play? Does it seem to follow a straight line?

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7. Reread the set description before the opening. Given what you know now, why do you think they went with this set?

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8. What point is Sandy making about the can of peas on pages 19 and 20?

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