8. South Australia

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 It is not intended to be used as a comprehensive historical document.

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.)

© Australian Human Rights Commission 2010 | www.humanrights.gov.au/education/bringing_them_home

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.

© Australian Human Rights Commission 2010 | www.humanrights.gov.au/education/bringing_them_home

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.

© Australian Human Rights Commission 2010 | www.humanrights.gov.au/education/bringing_them_home