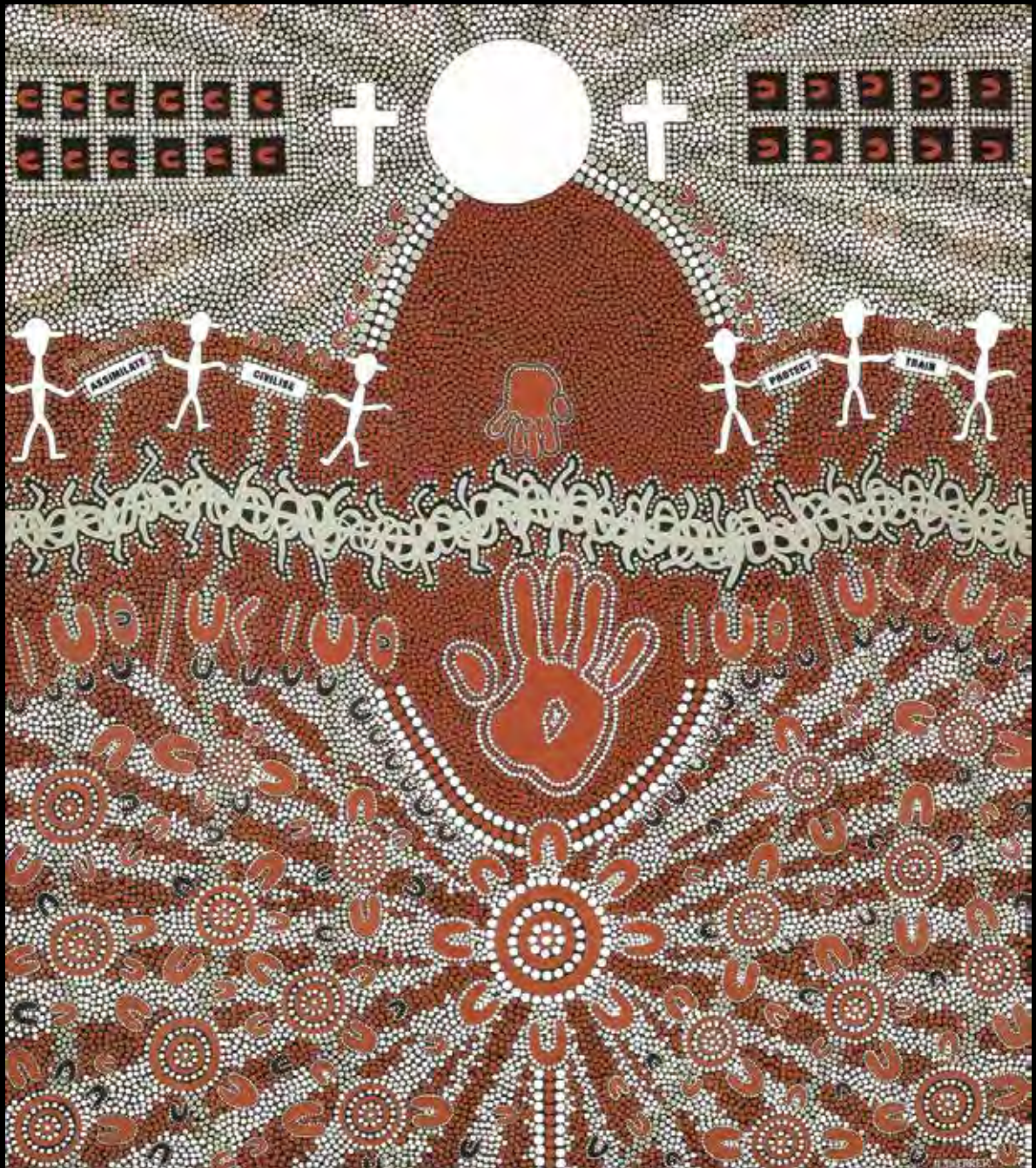


A brief history of the laws, policies and practices in South Australia that led to

# The removal of many Aboriginal children



We took the children

A contribution to reconciliation



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Department for Education and Child Development (DECD)

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## Foreword

This is the third reprint of *The removal of many Aboriginal children*, which provides a brief introductory history of the laws, policies and practices in South Australia that led to the removal of many Aboriginal children in the past.

The book was commissioned and first published in 1997 by the then Department of Human Services, with the second edition published in 1998.

This edition has maintained the majority of the original content from the 1998 edition and therefore some information such as department and organisation names are not accurate in the current time. However, the history, the content and the messages conveyed throughout the booklet are still relevant to the field of Aboriginal child protection to this day and still serve as a reminder of the importance of reconciliation.

In reprinting this booklet, the Department for Education and Child Development aims for it to be used to assist in the development and implementation of effective and culturally appropriate child protection policies and practices. Our goal is then to help support reconciliation through a better understanding of the impacts of past government policies and practices on Aboriginal people, their communities and their culture.

***Tony Harrison***

*Chief Executive*

*Department for Education  
and Child Development*



## About the cover illustration

The image used to illustrate this publication is a painting called **We took the children** by Heather Kemarre Shearer. Heather is from the Arrernte People of Central Australia.

Heather tells this story about the work that she produced in April 1997:

*This painting is my interpretation of the history contained in this booklet.*

*This painting has three visual components and has been done in three colours on a black background.*

- » **Red** earth represents the earth, Aboriginal people and the core link between our traditional law, land and people.
- » **Grey** represents 'white fellas' legacy of civilisation in the form of concrete on the earth (in the top part) and (from the middle to the bottom part) sorrow infiltrating the Aboriginal families, stemming from the written policies to remove Aboriginal children.
- » **White** represents the law that is and its emanation of strength across the land. Two laws are represented – '**white law**' (combining monarchical government and church ideals), which is a law unto itself, and '**traditional law**', which is respective of Indigenous people and the land.
- » **Black** represents the shadow of this past, both in acknowledgements and in memory of those children removed, who are still 'lost' today.

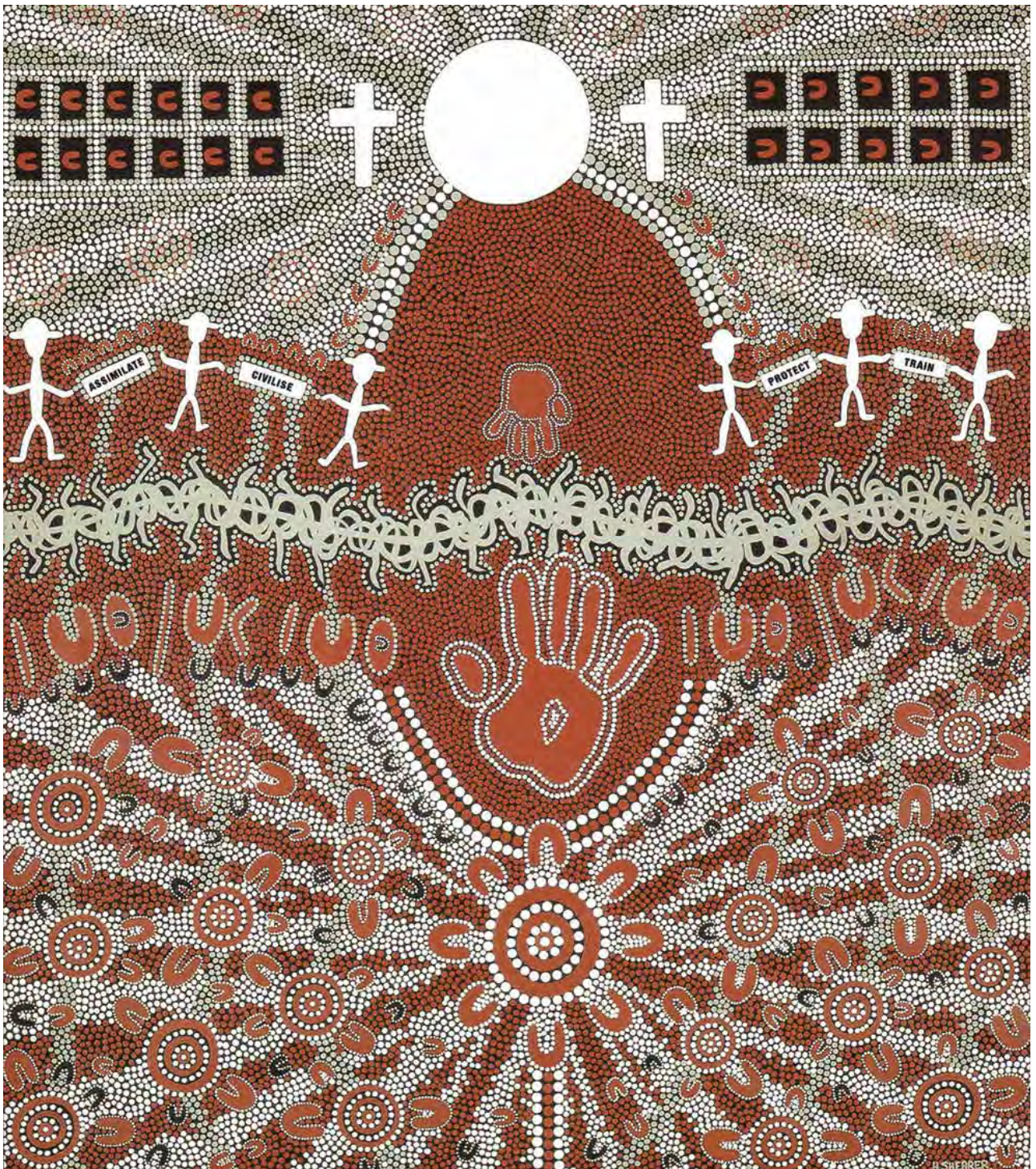
*The written policies are held by "white men with hats", which is a quote I have heard from many old Aboriginal people when talking about their memories of early contact with non-Aboriginal people.*

*The central representation resembling barbed-wire is the division/separation between the children taken from their mother/father/community/culture and land.*

*Once you have read and understood the meaning of the colours, the narrative of the picture becomes clear.*

**Heather Kemarre Shearer**









## Acknowledgements

This booklet would not have been possible without the assistance of a number of people. Their generous contribution of time and expertise is gratefully acknowledged:

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# Contents

Foreword .....	i
About the cover illustration .....	ii
Acknowledgements .....	iv
Introduction .....	2
<b>From protection to self-management .....</b>	<b>3</b>
<b>Protection .....</b>	<b>6</b>
To protect and civilise .....	6
Ordinance No 12 .....	7
Select Committee .....	8
The Northern Territory .....	9
First removals .....	10
<i>The Aborigines Act 1911</i> .....	12
Mission stations .....	13
Royal Commission 1913-1916 .....	14
<b>Assimilation .....</b>	<b>16</b>
More removals .....	16
Advisory Council .....	19
The Training Act .....	20
The Aborigines Protection Board .....	21
Assimilation policy .....	22
<b>Towards self-management .....</b>	<b>23</b>
Antecedents .....	23
Substitute care in the 1950s and 1960s .....	23
<i>The Aboriginal Affairs Act 1962</i> .....	24
Amalgamation and the Community Welfare Act .....	27
The Aboriginal Child Placement Principle .....	29
Current policies and practices .....	30
<b>The impact .....</b>	<b>31</b>
<b>Conclusion .....</b>	<b>35</b>
References .....	37



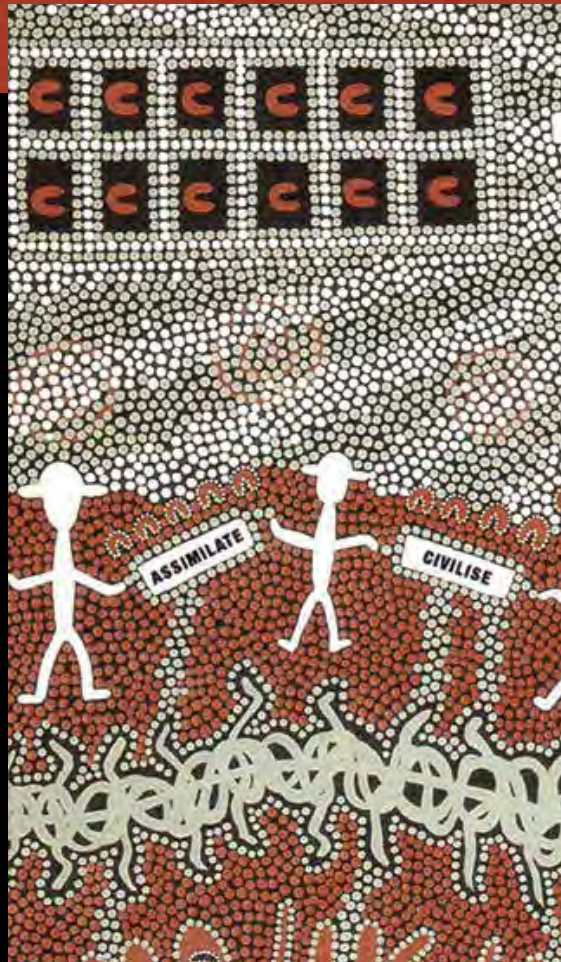
## Introduction

When societies or cultures collide it is often the children who suffer most. For Aboriginal children, the British colonisation of South Australia was no exception. During the first 120 or so years of European settlement successive governments either permitted or actively pursued policies of removing Aboriginal children from their parents and communities. The implementation of these policies represents one of the most shameful episodes in the treatment of Aboriginal people by white Australians.

Although frequently motivated by good intentions, the removal of Aboriginal children was to embitter relations between the two peoples and cause enormous pain and suffering to the children and their parents. The damage caused to individuals and families persists today.

The past cannot be changed but some of the wounds can be healed. The process of reconciliation must start with a candid reconciliation of what took place. This, therefore, is a **brief history of the laws, policies and practices in South Australia that led to the forcible removal of many Aboriginal children** from their parents and communities.





From protection  
to self-management



## From protection to self-management

The colonisation of South Australia was based on some lofty ideals. It was intended as an 'experiment' in social development in which the Indigenous inhabitants would be treated with courtesy and respect. The reality, however, was that Aboriginal people were persecuted and exploited.

In South Australia's first 160 years, Aboriginal affairs policy has undergone several major and at times dramatic changes. As it is the first duty of any generation to provide for the next, child welfare issues have always assumed a central place in these policies. To shape the future, policy makers and administrators have often sought to 'influence' the coming generation. The development of these policies can be divided into three broad eras: **protection, assimilation and self-management**.


Obviously human affairs are too complex to fit neatly into categories or eras. Certainly it is not possible to say with any accuracy when one starts and another finishes. There is, however, a consistency within each era that enables them to be seen as relatively distinct and the labels aid our understanding of the issues and forces that have shaped our history.

The earliest colonial governments saw Aboriginal people as primitive and uncivilised. They were considered vulnerable to abuse and exploitation by the rapid expansion of the vastly 'superior' British culture. It was apparent also that the Indigenous population was being decimated by introduced diseases. The government's response was to protect Aboriginal people by keeping the two peoples apart. The unintended consequence of this segregation was economic, social and psychological discrimination against and deprivation of Aboriginal people.

After nearly three quarters of a century, protection and its associated policy of segregation were seen to be failing. The circumstances of Aboriginal people continued to deteriorate and the cost of protection was growing. In an attempt to remedy the situation, South Australia, along with all other Australian states, adopted a policy of **assimilation**. Although not official policy until 1951, assimilation practices started in the 1920s and 30s.

Popular evolutionary theories depicted Aboriginal people as some kind of relic from earlier forms of the human species<sup>1</sup>. 'Full-blood' Aboriginals were considered a dying race and 'half-caste' people were viewed as both inferior and a social/moral problem (not belonging properly to either race), which should and could be 'bred out'. Assimilation, it was claimed, was not a racist policy, based on colour, but a scientific, pragmatic promotion of civilisation and of benefit to Aboriginal people.





Assimilation expressed both the intention and the belief that, with appropriate education and training, it should be possible to ‘civilise’ Aboriginal people so that they would eventually adopt the same customs and way of life as the rest of the community and become fully self-supporting. Assimilation, however, involved some inhuman practices and had its own unintended social consequences. In essence, it created more problems than it solved.

Social policy to this time (1960s) did not demonstrate respect for or place much value on Aboriginal culture. It was becoming apparent that, while ‘solutions’ were imposed and Aboriginal people were effectively denied the opportunity to influence the direction of their community, social problems would persist and in all probability multiply. Slowly, policy makers and administrators recognised the important function of culture in developing a positive Aboriginal identity and started to provide a means for Aboriginal people to participate in decision making by moving cautiously towards **self-management**.

Self-management holds that specific ethnic groups and communities will assume responsibility for their own affairs within a common social and political framework. It is a pluralistic concept that accepts and encourages cultural diversity as a benefit to individuals, groups and the wider community. The term implies that communities will be consulted fully and appropriately on matters that concern them, be involved in planning and implementation and either have control of resources or a voice in how resources are used and distributed. It signifies a partnership between specific groups and communities and the wider society and its structures.

The following sections consider the specific laws, policies and practices of each era and their impact on individuals, families and communities, in more detail. The material is based on research into official records held by the State Government and various secondary sources.



## Protection

### To protect and civilise

When Governor Hindmarsh proclaimed the colony of South Australia in 1836, he laid particular emphasis on his resolve to protect Aboriginal people and to punish with “exemplary severity” all acts of violence and injustice perpetrated against them. The government’s policy was to protect and civilise Aboriginals and to extend to them the benefits of European culture, Christianity and British law. Considering that the British had abolished slavery only three years earlier, the South Australian policy relating to Aboriginal people was considered enlightened.

To demonstrate the importance of Aboriginal policy, the first colonial public service appointment was that of the interim Protector of Aborigines. Shortly after, a Superintendent of Young Aborigines (Captain Walter Bromley) was also appointed. As with so many good intentions regarding Aboriginal people, then and later, economic considerations overtook them.

While education was seen as the best way to ameliorate the “moral condition of Aboriginal people and to civilise them”, Captain Bromley complained that he would have educated them, but no funds had been provided. During the ensuing two years, the Protector was roundly condemned by Europeans for not controlling Aboriginal people. To respond to the disquiet, the Government appointed a new Protector of Aborigines, Matthew Moorhouse.

Mr Moorhouse was directed by the Governor to instruct diligently the natives in reading, writing, building of houses, making of clothes, agriculture and other “ordinary acts of civilisation”. He was also instructed to bring them to a knowledge of God and the truths of Christianity, and ensure that they did not fall into destitution.

The Protector went to work immediately and it was not long before the Aborigines School, comprising a Master’s residence and five cottages for the children was opened. Moorhouse, however, failed in many of his attempts to carry out the Governor’s instructions because the children returned to their former ways. In his 1842 report, he said that:

*Our chief hope is decidedly in the children; and the complete success as far as regards their education and civilisation would be before us, if it were possible to remove them from the influence of their parents.*

This remarkably prophetic statement is the first recorded reference to the removal of Aboriginal children from their parents.





## Ordinance No 12

The first legislation in relation to Aboriginal people in South Australia was *Ordinance No 12, 1844*. The idea for it was first raised by Governor Grey in a letter to the Colonial Secretary.<sup>2</sup> In it, he expressed his concern at the number of destitute and orphaned Aboriginal children he observed wandering around the town. He suggested that they should be apprenticed to the settlers as a means of providing for their care. *Ordinance No 12, 1844, Section V*, established the Protector of Aborigines as:

*... the legal guardian of every half-caste and other unprotected Aboriginal child whose parents are dead or unknown, or either of whose parents may signify before a Magistrate his or her willingness in this behalf, until such child attain the age of 21 years ...*

Despite the apparent relationship to the Protector's remarks about removing children, the Ordinance's guardianship provisions were meant to be benevolent and protective in nature. The main purpose of the Ordinance, however, was to enable destitute and orphaned children to be apprenticed to suitable trades or business people. It empowered the Protector to apply to the courts for a child of 'suitable' age to be bound by indenture as an apprentice. The consent of parents, if they were alive, and the Governor were required.

Several Aboriginal teenage boys were placed in apprenticeships with the Harbours Department, the Colonial Engineers Department, a tannery and a bricklayer. Two boys were also apprenticed to the Governor as messengers. The girls, although significantly fewer in number, were placed in domestic service. The Protector of Aborigines chose most, if not all, candidates from the children attending or boarding at the Aborigines School. Some apprentices continued to sleep at the school but they were fed and clothed by their employer whilst he/she had the advantage of their labour. These arrangements were approved by the Lieutenant Governor.

In the terms foreshadowed by Governor Grey ie, providing for the maintenance of orphaned and destitute children, it is arguable that the legislation was a failure. Few, if any, of the placements, were a success. Most apprentices returned to or were drawn away by their tribes to rejoin Aboriginal community life. As Harbour Master Lipson complained to the Colonial Secretary, his two apprentices had 'voluntarily absented themselves'. The whole experience, he wrote, had been 'an expense without benefit'.<sup>3</sup>

After an initial burst of placement activity, it appears that the lack of success inhibited many further placements. Although numerous references to apprenticeships are found in the records of subsequent years, few, if any, appear to have been made under *Ordinance No 12*, although it continued to be in force until repealed by the *Aborigines Act 1911*.



## Select Committee

Despite the efforts of the South Australian Government, sections of the public were concerned about the deteriorating circumstances of Aboriginal people. Criticisms appearing in the press about the perceived lack of progress prompted the appointment of a Select Committee of the Legislative Council in 1860 to investigate the condition of Aboriginal people and suggest ways in which their circumstances could be improved.

George Fife Angas (a prominent colonial founder) testified before the committee that, in his opinion, no subject had been more shamefully shirked than the welfare of Aboriginal people. The committee found that Aboriginals had “lost much and gained little” from the Europeans and that, in the interests of both Aboriginal and European people, it would be desirable to separate Aboriginal people from white society on to small reserves where they could be protected.

With regard to children, the Select Committee recommended that they should be taken away from their parents and brought up in schools. It reported that:

*Perfect isolation was considered as necessary to relieve the rising generation from the evil influences and example of their parents...*

Several witnesses appearing before the Select Committee doubted if this could or should be achieved. Major Warburton, the Commissioner of Police, doubted whether parents would surrender their children “... unless pressed by hunger and want themselves”, and “most would entice them back when the pressure [ie, hunger] was removed”.

The colonial chaplain and member of the Destitute Board, the Very Reverend Dean Farrell told the committee that:

*Destitute children of British parents [were] received by the Destitute Board; but the parents have a right to claim them back when they like, and it would be hard if the natives were prevented from exercising the same right.*

The Select Committee’s findings tended to support and reinforce policies and practices that were already evolving within government. There was, however, no immediate action to implement the committee’s recommendations.





## The Northern Territory

With a population of only 140 000 people, the colonial Government of South Australia sought control of the vast region to its north. This region, now known as the Northern Territory, was granted to South Australia under Royal Letters Patent in 1863.<sup>4</sup>

The government's approach to Aboriginal affairs administration in the Territory was similar to that adopted in South Australia. The system of Sub-Protectors of Aborigines was an early introduction with Finniss as the first part-time protector appointed in 1864. The government announced in 1891 its intention to establish reserves for the separation and protection of Aboriginal people as it had already done in South Australia. The enormous distances, however, made the task of administration significantly more difficult and there appeared to be a general lack of concern for the welfare of Aboriginal people in the Territory. In these remote areas children were not removed from their communities by the government, but by pastoralists.


The police officer responsible for the Northern Territory, Inspector Foelsche, prepared a report in August 1882 for the Minister of Education on the condition of Aboriginal people in his jurisdiction. In his report, the inspector refers to pastoralists using a practice termed "running them down" and the forcible abduction of Aboriginal women and children to stations some distance from their tribes. The women were kept as concubines and the children put into service as stockmen and servants. Their treatment, the inspector reported, was brutal.

Seventeen years later, he reiterated these concerns in evidence to the Select Committee of the Legislative Council on the Aborigines Bill 1899. His evidence was corroborated by that of Mounted Constable Thorpe.

Inspector Foelsche also expressed the view that something should be done about the increase in the number of children of mixed descent. He recommended that mission stations should be compelled to take them so that they could be civilised. He proffered the view that mothers would surrender their 'half-caste' children for a bag of flour.

For many years, the government effectively condoned the action of pastoralists by its own inaction. Finally, however, it decided to respond to the reports of cruelty and exploitation with the introduction of the Aborigines Bill 1899. The Bill sought to control contact between Aboriginal and European people with a system of permits. These were to be required for the employment or custody of Aboriginal people and then only with an officially witnessed agreement between the two parties. The Bill was referred to a Select Committee of the Legislative Council and despite considerable support for its provisions, the committee recommended a new Bill be introduced.

The government, however, appeared to lack the political will to address the sexual abuse and economic exploitation which led to the original Bill, and took no action to introduce new legislation until the Aborigines Bill 1910.



The then Governor of South Australia (the Right Honourable Lord Tennyson), was clearly concerned about the treatment of Aboriginal people in the Northern Territory and appeared to be frustrated by his government's failure to act. In February 1902 he sent a secret dispatch to the British Home Secretary (the Right Honourable Joseph Chamberlain), with a report that detailed the rape of "little undeveloped girls" and the abduction of Aboriginal children from the Northern Territory into Queensland and New South Wales.<sup>5</sup>

Lord Tennyson asked Chamberlain to intervene and urge the newly established Commonwealth Government "to make the protection and preservation of these black fellows a Federal question...". Chamberlain's reply from Downing Street in April 1902 stated that whilst he appreciated Lord Tennyson's motives for the secret dispatch, he feared that his (Chamberlain's) "intervention would serve no useful purpose and would in all probability give rise to feelings of irritation".

In early 1911, the administration of the Northern Territory was transferred from South Australia to the Commonwealth. This was not, however, to be the end of the State's association with Aboriginal children from the Northern Territory.

For many years, South Australia acted as an agent for the Commonwealth by accepting children into accommodation and employment because they could not be adequately catered for in the Territory. The Chief Protector of Aborigines reviewed this arrangement in 1925 and concluded that it was in the best interests of the children, especially the girls, that the practice continue. Concerns remained, however, about the lack of proper supervision or local guardianship. Arrangements were made for the local department to undertake the work and as a result these placement practices continued for a number of years.


## First removals

In the more 'settled' areas of South Australia toward the end of the 19th Century, there was a growing concern about the number of 'half-caste' children and the deplorable conditions in which they lived. There were increasing calls for more active intervention by the government.

The Sub-Protector of Aborigines for the Far North and West Coast (Inspector Besley) reported in 1892 that:

*There are not only black children of a school-going age but half-castes and quadroons that should be taken from the camps and taught to become useful members of society. If forcibly taken, there would be a cry of cruelty, but it is cruelly unkind to leave them where they are. The girls become trained for a life of easy virtue and the young men drunken loafers.*

In his 1900 report, the protector of Aborigines called for some of the 'half-caste' children to be removed from Point McLeay and placed under the State Children's Department.



In 1895, the State Children's Act had been passed into law. Section 32 enabled a police constable without a warrant to apprehend children who appeared or were suspected of being destitute or neglected and, without the knowledge of their parents or an opportunity for them to be present, to take the children before Justices. The courts could order that such children be sent to an institution and be detained there until they attained the age of 18 years.

Some researchers have claimed that the Act effectively targeted Aboriginal children, in that the definition of a neglected child meant any child who:

- i. habitually begs or receives alms ... or frequents any public place for the purpose of so begging or receiving alms; or
- ii. wanders about, or frequents any public place, or sleeps in the open air, and does not ... [have] a home or settled place of abode ...

However, it is apparent that the Act was not intended to deal with destitute or neglected Aboriginal children and early attempts to apply it to them appear to have been unsuccessful.

The State Children's Council and a number of magistrates took the view that as the Act did not specifically refer to Aboriginal children, they were excluded from its provisions. For several years, the council debated the matter and in 1909 agreed to accept Aboriginal children into their care. It reported that:

*The council is fully persuaded of the importance of prompt action in order to prevent the growth of a race that would rapidly increase in numbers, attain a maturity without education or religion and become a menace to the morals and health of the community. The council feels that no consideration for the desire to obtain cheap labour in the wilds of the Federation, or for the indulgence of illicit passion, should be permitted to block the way of the protection and elevation of these unfortunate children.*

In the same year the protector of Aborigines reported that one girl had been "rescued from the degrading conditions of the blacks' camps". He anticipated that the case would establish an important precedent.

Notwithstanding this initial 'success', the protector was concerned with the rate of 'progress' and went on to recommend that all 'half-caste' children should be gathered in and trained in useful occupations, thus preventing them from becoming dependents and acquiring the habits of Aboriginal people.

The following year the protector reported that several more 'half-caste' children had been removed and placed under the State Children's Council. He considered that these children were happy and thriving and was confident that they would become self-supporting members of the community. In response to opposition appearing in the press about the removal of these children, he reiterated his belief that all children of mixed descent should be treated as neglected.

By 1913, 18 Aboriginal children had been removed from their parents and placed in the care of the State Children's Department.





## The Aborigines Act 1911

Despite the fact that the State Children's Council had agreed to take charge of children of mixed descent found wandering or camping with Aboriginal people and that legal precedents had been established, magistrates (particularly in the country) often refused to commit children into care. To overcome this opposition, the Premier introduced an Aborigines Bill to strengthen the protection and control provisions for Aboriginal children and children of mixed descent. It initially lapsed, but was later restored and passed into law in 1911. In doing so, it repealed *Ordinance No 12, 1844*, the only legislation to that time dealing solely with the control of Aboriginal people.

Although intended as a means of protection, the *Aborigines Act 1911* was particularly restrictive and repressive. It reinforced segregation, provided for almost absolute control over the lives of Aboriginal people and attempted to protect them from contact with alcohol, prostitution and other dangers.

The Act prohibited Aboriginal people from camping or loitering in townships and other designated places, restricted and controlled their movement from one district to another, and empowered the Chief Protector to keep any Aboriginal person within the boundaries of a reserve. To prevent the 'mixing' of the races, it made it an offence for Aboriginal women to dress in men's clothes and be in the company of non-Aboriginal men.

Section 10 (1) made the Chief Protector the legal guardian of every Aboriginal and 'half-caste' child even if they had a parent or relative living. The purpose of this provision was to strengthen cases going before the courts for the committal of neglected or destitute children under the *State Children's Act 1895*. So far as can be ascertained, it was not used by itself to authorise the removal of children from their parents.

To reinforce notions of parental responsibility Section 36 (1) required fathers of 'half-caste' children to pay for the support of their offspring, even if alternative care and accommodation were available. The Act also enabled the Chief Protector to appoint protectors, usually police officers, to act as local guardians of Aboriginal and 'half-caste' children within their districts.

Clearly the *Aborigines Act 1911* was a most substantial and formidable piece of 'protective' legislation and provided authorities with unprecedented powers for the protection and control of Aboriginal people.



## Mission stations

The most visible and practical application of protectionist policy was the establishment and operation of mission stations. Their development, although prompted by the deteriorating circumstances of Aboriginal people and a genuine desire to protect them from the abuse and exploitation of white settlers, was in reality a convenient and administratively manageable means of distributing rations and material assistance to a nomadic people.

Their main advantage, however, was in removing Aboriginal people from fringe camps around settlements, thereby 'protecting' Europeans from begging, theft, diseases and immoral temptations.


HC Coombs has written of mission and Government settlements that:

*... it was in these white-dominated institutional situations that the basic conflict between Aboriginal needs and aspirations became most apparent and most irreconcilable. Despite the welfare orientation of the administration of these institutions, both physical and psychic health were probably at their worst ... the demands of fixed hours of work for sustenance or wages interfered with the traditional pattern of bush activities in which all members of the family participated, and so deprived children of the experience and instruction by their elders necessary for their development as Aborigines. In addition to this deprivation, Aborigines saw their children being alienated from them by white teachers, missionaries and others ... and the role of their elders as teachers and keepers of Aboriginal law, deprecated and indeed denigrated.* <sup>6</sup>

The first major mission station to be established in South Australia was Poonindie in 1850. Its location near Port Lincoln was a deliberate attempt to distance young couples and children who had attended the Aborigines School in Adelaide and who had started to adopt European lifestyles and values, from the pressures of family and tribe to return to traditional Aboriginal society.

The most important mission stations to be established, however, were Point McLeay in 1859 by the Aborigines' Friends Association (with a government grant of £500) and Point Pearce in 1868 by the Yorke Peninsula Aborigines Mission. Several other mission stations were established by churches (especially the Lutherans) in more remote areas of the State. Koonibba is significant amongst these in that it included a children's home where by 1920, 67 children were accommodated and hence separated from their families. Reports of the day claim that "many parents voluntarily [gave] up their children"<sup>7</sup> to be placed in the children's home. This claim is disputed by many Aboriginal people today.

Like most other mission stations around Australia, Point McLeay and Point Pearce experienced many problems and there were increasing calls for assistance from the public purse. Tensions between government officials and the philanthropic societies responsible for the management of mission stations grew.



The Chief Protector could visit and inspect mission stations; he could advise and recommend but he had no power to address what he saw as major management shortcomings and problems. The “divided control” as he called it was not working and in his 1912 report he argued that Point McLeay and Point Pearce should be brought under direct government (therefore his) control. The matter was brought before the Parliament, and in 1913 a Royal Commission was appointed to inquire into the control, organisation and management of institutions (ie, mission stations) for the benefit of Aboriginal people.

## **Royal Commission 1913-1916**

In his evidence before the Royal Commission, the Chief Protector was scathing in his criticisms of mission stations. He told the commission that Aboriginal people had “complained bitterly” to him about the management. He had even received a deputation of Aboriginal people, which had urged a change in responsibilities.


The Chief Protector’s major concern was that the management of missions were creating dependence with their emphasis on charity. Point Pearce was a financial success, he admitted, but only because of the participation of white share farmers. Aboriginal men continued to be unemployed. Point McLeay was, in his view, a failure. Excellent farming opportunities such as dairy herds were being lost and with them the opportunity to train Aboriginal men and provide jobs so that they could support themselves and their families.

In his most damning criticism the Chief Protector questioned the very concern of mission station management for their charges. He cited a case at Point Pearce where an Aboriginal man and his family had been unjustly, in his view, expelled from the station. The family had been traumatised and the government put to great expense in funding the cost of relocation.

He also told the commission that the aged and infirm were virtually ignored at Point McLeay and forced to live in shelters made of bags, while less vulnerable people were given housing. It troubled him that he had each year to provide hundreds of bags to Point McLeay when he knew that they were to be used for shelter.

The conclusions and recommendations of the Royal Commission were an important turning point in the development of Aboriginal affairs policy in South Australia. Although few of its specific recommendations appear to have been pursued, it foreshadowed major changes in the direction of policy.





The Commission concluded that Aboriginal people were becoming dependent on charity and urged more direct government control. In 1914, Point Pearce and Point McLeay were changed from mission to government stations. Most importantly, the commission considered that:

*... the problem of dealing with the Aboriginal population [was] not the same problem that it was in the early history of the State. There is no doubt in the early days, and for many years afterwards it was necessary for the Government to protect native inhabitants, but, with the gradual disappearance of full-blood blacks, the mingling of the black and white races and the great increase in the number of half-castes and quadroons, the problem is now one of assisting and training the native to become a useful member of the community, not dependent on charity, but upon his own efforts.*

Of particular significance was its recommendation:

*... that it is desirable to separate as much as possible the full bloods from the half-caste natives, each living in a separate community.*

In evidence, the commission heard of numerous examples of how efforts to educate and train young people were consistently frustrated by the distracting influence of Aboriginal groups.

“Trained” children, the commission was told, reverted to their old ways if they returned to the camps.

Mr Dalton (Hon Secretary of the Aborigines Friends Association) told the commission that ‘half-castes’ were able to work and:

*... should be transplanted. So long as half-castes are allowed to live with black fellows they are just like the black fellows themselves. They have all the black fellows’ habits.*

The separation of the two groups therefore was seen as an important step in the transition from charity to self support; from protection to assimilation.



## Assimilation

### More removals

Although assimilation did not become official government policy until 1951, it was preceded by many practices that were clearly assimilative in nature. The removal of children was one of the most significant of these.

The Royal Commission's recommendation to separate Aboriginals and 'half-castes' had important implications in that it appeared to support the latter's removal from their parents. Certainly, the Chief Protector used it to justify his 'policies' and practice.

There were, however, many other sources of support for the Chief Protector. Professor EC Stirling, a physiologist at the University of Adelaide, told the Royal Commission that:

*...the more of those half-caste children you can take away from their parents and place under the care of the State, the better. I think you should take them at an early age... it would be easier to deal with them if they were taken when they have the attractiveness of infancy. You would get people to take those children young who might be disinclined to take them when they were older.*

He did not, however, believe that they should be taken as new-born babies:


*... because then you would have the burden of them that all children are at such an age. When they are a couple of years of age they do not require so much attention and they are still young enough to be attractive.*

The secretary of the State Children's Council in his evidence said that it was his belief that they should be taken directly after they were born. It was bad, he said, to be in a wurley for a week, fatal for a year.

There was also a widely held belief that the "mixing of the races" was a problem. It was in fact, in certain circumstances, illegal. But it went deeper. Many people regarded 'half-caste' children as the product of immorality. The State Children's Council in its 1910 report stated that:

*... these unhappy children ['half-castes'] ... are increasing yearly; while their condition, especially the females, is so degraded as to be a menace to society in the spreading of disease and the deterioration of men of European descent who come into contact with them.*

With advocacy and support from many quarters, the practice of removing children, which had started in 1909, gathered pace. By 1914, 54 children had been committed to the care of the State Children's Department.



The process of identifying and removing the children required the cooperation of several branches of government. The Chief Protector sent out requests to all local protectors seeking:

*... reports as to the circumstances under which half-caste girls under 12 years of age are living, and if in the opinion of the police officers any of them are under proper care and control...<sup>8</sup>*

The Chief Protector on his visits to mission stations and outlying districts personally undertook the task of identifying neglected children. In May 1913 he wrote to the Commissioner of Public Works (his Minister) that:

*I visited the native camp at Bordertown on the tenth instant, but owing to the short time I could remain there, I was not able to get full particulars of the names, ages and circumstances of two families of half-caste and quadroon children living in the camp, but what I saw leads me to think that the children should be at once removed and placed under the State Children's Department. Two of the children are white, with blue eyes, and one has auburn hair. I would respectfully request that the police officer there be moved for a report...<sup>9</sup>*

Sometimes the children did not have to be neglected. On 24 August 1912 he wrote that:

*... there is an illegitimate quadroon girl, aged between 9 and 12 years, called [girl's name] at Point McLeay Mission Station. Although the girl is fairly well cared for, I consider that she should not be reared amongst the aborigines, and would respectfully suggest that the matter be referred to the State Children's Council with a view to her being brought under their control.<sup>10</sup>*


The State Children's Department would often initiate action in identifying and removing children. Most frequently, however, they would rely on the intelligence of others. James Gray, Secretary of the State Children's Council explained that:

*...the only way we have of doing it is through the police. When we hear of a child that is neglected we generally write to the Commissioner of Police asking him to give us a report on the matter from one of his officers. On receipt of that report action is taken according to the nature of the communication. If it appears that the child is really in a bad state we ask the police to take action and bring it before a court and have it committed.<sup>11</sup>*

But there were difficulties, Mr. Gray explained:

*...our difficulties have been twofold: firstly there has been some disinclination on the part of the police to take action, due, I think, to an impression that it is a risky business to touch these children. They have been afraid ... of violence on the part of the aborigines, which could lead to disaster. And secondly a disposition on the part of the magistrates to think that an aboriginal child should be brought up in a wurley.<sup>12</sup>*





Once committed to the care of the State Children's Department, children usually first went to the Edwardstown Industrial School to be "cleaned up" and taught the "rudiments of civilised life". Depending on their age, they could then be placed in foster care, and attend school or be boarded with and apprenticed to a suitable employer. More difficult to manage children often remained in institutions like the industrial or probationary schools. Only under special circumstances, for example, misconduct, could a child be sent to a reformatory.

Section 43 of the *State Children's Act 1895*, required a statement of the age and religion in the mandate for every child committed to the department. Where the child's religion was not known, the department ascribed one. It had:

*... a rule that every seventh child who comes... without any religion is a Roman Catholic; the rest are Protestants. We make one-seventh of them Catholics because that is the proportion of Catholics to Protestants in the community.*<sup>13</sup>

Orders or committals were usually until the child attained the age of 18 years. It was possible, however, to petition the Governor and under Section 50 of the *State Children's Act 1895*, the child could be released. Although there are no specific figures for Aboriginal children, judging from the overall figures, early 'release' appears to have been a relatively rare event.

This practice of not specifically identifying Aboriginal people in the statistics was applied to all areas of the department's activities. As a result, it is now virtually impossible to determine how many Aboriginal children were removed from their families during the assimilation era.



## Advisory Council

On 24 January 1918, the Advisory Council of the Aborigines was established by Regulation under the *Aborigines Act 1911*. It comprised seven members appointed for three-year terms to act in an honorary capacity. Its function was to report to the Commissioner of Public Works on any matter connected with the protection, control, training or education of Aboriginal people in South Australia.

Early in its history, the Advisory Council developed an educational scheme for Aboriginal children, especially those of mixed descent. Members were impressed by a report on the Koonibba Children's Home and its apparent success in educating and training children. The council sought to replicate it on other mission stations and tirelessly recommended the building of children's homes at every opportunity, but with little success.

On this subject, the Advisory Council and the Chief Protector clashed, the latter favouring complete removal of children from the distracting influences of the Aboriginal community. The council believed that some contact with parents and the community could be managed alongside its 'educational scheme'.

In most other respects, however, the Advisory Council supported and reinforced practices of removing children. From time to time, individual cases or complaints were referred to it. In almost all instances the council supported the course proposed by the Chief Protector.

On several occasions, the Advisory Council advocated regulatory/legislative changes and also commented on proposed amendments when invited to do so. It wrote to the Crown Solicitor urging the formulation of regulations under the *Aborigines Act 1911*, which would enable the State Children's Department to remove 'disruptive' youths, not just neglected and destitute children.

In 1920, it urged the insertion of a "clause which would enable native boys and girls to be committed to the State Children's Department by the Chief Protector, without having to appear in court". At the time, the legal adviser to the State Children's Council considered that this would be an "unwise procedure".<sup>14</sup>

Two years later, the Commissioner for Public Works sought the council's advice on proposals that would ultimately lead to the *Aborigines (Training of Children) Act 1923*. The members of the council unanimously supported the proposals. They also recommended a provision that:

*...illegitimate children on Government Aboriginal stations should be placed under the care of the State Children's Department at the end of nine months from their birth.*

The Commissioner did not accept the advice.

The Advisory Council operated from 1918 to 1939. Over that time, it advocated for the education and training of children so they would become "useful citizens". It supported and reinforced interventionist practices aimed at the removal of children from their parents and strongly promoted assimilation policies.



## The Training Act

The Chief Protector continued to advocate for the removal of all ‘half-caste’ children, especially the girls. In 1917 he reported that:

*...the whole question of how to transform these people, who are gradually becoming whiter, into a useful race who will be able to maintain themselves, is a very difficult and serious problem.*

The removal of children continued to be the preferred solution. To simplify and expedite the process, the government, with the support of the Advisory Council of the Aborigines, introduced a Bill into Parliament to provide for the “care, control and training of Aboriginal children [and] for placing Aboriginal children under the control of the State Children’s Council”.

In his second reading speech the Minister said that:

*...Clause 6 provides the method by which Aboriginal and half-caste children may be transferred to the State Children’s Department. The procedure is very simple, and is in no way analogous to the judicial proceeding whereby neglected or convicted children are put under the control of the State Children’s Council. There is no publicity in the proceeding under the Bill, merely the execution of a document after an agreement has been reached between the protector and the council as to the transfer of the particular child.*

The rationale for the provision was that as all Aboriginal and ‘half-caste’ children were already under the legal guardianship of the Chief Protector (Section 10, the *Aborigines Act 1911*) all that was required (ie, as far as legal powers were concerned) was the ability of the Chief Protector to transfer his guardianship to the State Children’s Council.

The abrogation of the due process of law, the major increase in the Chief Protector’s unfettered powers and the fact that children could be removed from their parents simply because they were Aboriginal and not necessarily because they were neglected or destitute, raised a storm of protest. It prompted the first petition prepared by Australian Aborigines to be submitted to a government.<sup>15</sup>

Despite the protest and the petition, the Bill passed into law and became the *Aborigines (Training of Children) Act 1923*.

The controversy that the Act created and the continuing protests from Aboriginal people made its administration so problematic that the Chief Protector decided in 1924 effectively to suspend its provisions by not enforcing them. How long this ‘suspension’ lasted is not known but it appears that after the controversy subsided the offensive provisions were gradually ‘reintroduced’. When the legislation was consolidated by the *Aborigines Act 1934*, the provision was retained.





## The Aborigines Protection Board

In 1939, the *Aborigines Act 1934* was amended. The most significant changes were the broadening of the definition of 'Aborigine' to include anyone of Aboriginal descent (thus doing away with the concept of 'caste'); a system to enable an Aboriginal person to be exempt from the provisions of the Act (based on his or her character, intelligence and development); the creation of an offence for any non-Aboriginal man to consort with or keep an Aboriginal woman as a mistress (unless he was married to her); and the abolition of the position of Chief Protector and its replacement with the Aborigines Protection Board.

While continuing and strengthening assimilation policy, the board started to exercise greater discretion in the removal of children and became more cautious in its approach. The fact that few, if any, statistics were kept has made it difficult to assess the board's impact on the rate of removals.

The Protection Board, however, maintained an emphasis on the training of Aboriginal young people for employment, particularly domestic service. Throughout most of the 1940s, the board financially assisted the Salvation Army in the operation of training programs, including a centre for boys at Wistow (near Mount Barker) and a home for girls at Fullarton.

The Fullarton Home had 12 girls in domestic training at any one time. The board was impressed with the results, although it noted that many of the girls did not seem to appreciate the opportunity afforded them. In 1940, the board contributed £143 to the cost of the program. By 1947, the cost had grown to nearly £300 per annum.

The board also contributed (25 shillings per week in 1956) to the cost of maintaining Aboriginal children in homes run by church and voluntary agencies. One of the most important of these was the Colebrook Home, which played a critical role in the lives of many of today's Aboriginal leaders.

The forerunner of the home was established at Oodnadatta in 1926 and cared for 12 neglected children. A year later it moved to Quorn and, over the following 16 years, the number of children in residence increased to 34. A shortage of water in 1943 forced its relocation to Eden Hills near Adelaide. Here, 40-50 boys and girls were cared for at any one time by the United Aborigines Mission.

Over the years the standard of care provided at Colebrook varied. In 1956 the condition of the facilities and the adequacy of care had fallen to such an extent that the Protection Board considered the option of moving the children and effectively closing it.<sup>16</sup> Some improvements were apparently made and Colebrook continued to operate. The buildings continued to deteriorate and combined with a reduction in the number of Aboriginal children to be placed, it closed in the 1970s. Over the years, more than 350 Aboriginal children lived at Colebrook at one time or another.



## Assimilation policy

The proponents of assimilation policy received a major boost from the research and scientific survey of Tindale and Birdsell in 1938. These academics believed that assimilation was the only solution to the Aboriginal 'problem' and attempted to provide a scientific basis for it. They opposed segregation (a pillar of protectionist policy) and argued that the most rapid 'absorption' (as they called assimilation) of Aboriginal people could be achieved if they were widely spread throughout the community.

Responding to the community debate, the Commonwealth Minister for the Interior, the Hon John McEwen, issued a paper that discussed assimilation as a long-term policy objective. The paper, although directed at the Commonwealth's responsibility for Aboriginals in the Northern Territory, is widely considered to be the foundation of formal assimilation policies, adopted by all states.

After nearly 40 years of assimilation practices in South Australia, the Aborigines Protection Board finally adopted assimilation as official policy in 1951.



# Towards self-management

## Antecedents

It appears that self-management or self-determination in relation to Aboriginal affairs began to be articulated in South Australia in the late 1960s and early 1970s. The 1967 referendum undoubtedly gave a significant impetus to community awareness of Aboriginal issues and to the rights of Aboriginal people to have greater autonomy, social recognition and equality.

Nevertheless, the antecedents of self-management are much earlier. As Gale remarks, legislative changes generally reflect changes in attitudes and behaviour that have been occurring over several years. She writes:

*...over the years, however, many changes in the actual application of the provisions in the 1911-1939 Act had already foreshadowed a different policy. This trend towards modification had been strengthened by economic and social changes that had occurred within Aboriginal communities during and after World War II, so that, in effect, the 1962 Act crystallised into formal legislation the administrative changes that had taken place in the 50 years preceding its passage... each Act had merely accepted existing practices and built them into new legislation.<sup>17</sup>*

An indication of changing attitudes was the establishment of the South Australian Aboriginal Lands Trust in 1966, which empowered the Government to transfer Crown Lands to the Trust's management. Membership of the Trust was confined to Aboriginal persons. Through a related policy, Aboriginal councils were established on the occupied reserves, with power to run much of the administration of the settlements. Under the Lands Trust Act, these councils could request that the title for the reserve lands be transferred to the Trust. In November 1969, Point Pearce Aboriginal Reserve Council requested that Trust take over the administration of the reserve lands and this transfer was effected in July 1972.

## Substitute care in the 1950s and 1960s

In the 1950s and 1960s, the placement of Aboriginal children in foster homes and institutional care in South Australia was uncoordinated and undertaken by several different agencies. These were the Department of Aboriginal Affairs acting as an independent fostering agency, the Children's Welfare and Public Relief Board (Department of Social Welfare after 1965), the Department of the Interior, which placed children from the Northern Territory in South Australia and various voluntary agencies.

During the 1950s, the Aboriginal Protection Board started to identify and report on its program of maintaining Aboriginal children in homes and institutions. In 1956, it was supporting 186 children. They were located in:

Koonibba Lutheran Children's Home	33
Umeewarra Children's Home	47
Colebrook Home (United Aborigines Mission (UAM))	19
Gerard Mission Home (UAM)	5
Mount Barker Salvation Army Home	14
Tanderra Home (UAM)	9
Other homes and institutions	27
<b>Total</b>	<b>186</b>

The total number of children cared for had risen to 199 in 1957 and 289 in 1958. In subsequent years, the figures were broken down into 'private homes' and 'institutions'. From 1959, the figures were as follows:

<b>1959</b>	Private homes	135
	Institutions	260
<b>1960</b>	Private homes	135
	Institutions	185
<b>1961</b>	Private homes	192
	Institutions	160
<b>1962</b>	Private homes	170
	Institutions	202

## The Aboriginal Affairs Act 1962

The *Aboriginal Affairs Act 1962* repealed the *Aborigines Act of 1934-39* and, in particular, abrogated the Aborigines Protection Board's powers to remove children from their families.

The Act also abolished most restrictions on Aboriginal people, particularly the power to remove them to reserves. It provided the machinery to upgrade the administrative capacity of the Department for Aboriginal Affairs and enabled special assistance to be provided to Aboriginal people to assist their assimilation into the community. The powerful Protection Board was replaced with an Aboriginal Affairs Advisory Board.

The intention of the Act in relation to children was clearly indicated by the Minister in introducing the Bill's second reading. He said:

*...the section of the present Act whereby the Board is appointed the legal guardian of all Aboriginal children up to the age of 21 years, has been omitted and a new concept in relation to the care and maintenance of Aboriginal children envisaged. By cooperation and liaison with the Children's Welfare and Public Relief Department, all carers of neglected, uncontrolled or destitute children will be dealt with in the same manner as are all other children in the State – that is, through the normal processes of law as provided in the Maintenance Act.<sup>18</sup>*



For some years<sup>19</sup> the Children's Welfare and Public Relief Department had made it clear to the Aborigines Protection Board that it did not approve of the removal of Aboriginal children under Section 38(1) of the Aborigines Act and urged it to seek legislative powers:

*...to care for, protect, maintain and educate aboriginal children, as is at present vested in the Children's Welfare and Public Relief Board in regard to neglected white children.*


The 1962 Act virtually ended the practice of removing Aboriginal children without legal action under the Maintenance Act or Social Welfare Act. There are only a handful of actions to remove Aboriginal children under the Aborigines Act recorded in annual reports of the Department of Social Welfare; the last in 1970.

Figures for children cared for by the Department of Aboriginal Affairs from 1963 are as follows:

<b>1963</b>	Private homes	155
	Institutions	164
<b>1964</b>	Private homes	166
	Institutions	134
<b>1965</b>	Private homes	147
	Institutions	121
<b>1967</b>	Private homes	157
	Institutions	123
<b>1968</b>	Private homes	157
	Institutions	123

It is apparent from this table that the number of Aboriginal children in institutions declined by 25% from 1963 to 1968. The number of children in private homes, however, remained fairly constant.

At some period, the Aborigines Protection Board made a distinction between 'private homes' and 'foster homes' as attested by a minute<sup>20</sup> from March 1961. It appears that 'private homes' referred to boarding situations for educational and other purposes and 'foster homes' to substitute homes for "welfare reasons", although this is not entirely clear. The distinction seems to be borne out by Gale's<sup>21</sup> foster care research as she gives very low figures for Department of Aboriginal Affairs foster care between 1955 and 1965, ranging from eight to 22 per annum.



The distinction did not persist beyond 1967. A 1969 report <sup>22</sup> prepared by the Social Welfare Advisory Council states that 157 Aboriginal children were placed in foster care. Of these, 76 were state children and 29 were placed with Aboriginal families.

It should be noted that, at this period, it was possible for parents generally to arrange for their children to be received into the care of non-government agencies and placed in children's homes, licensed by the Children's Welfare and Public Relief Board or its successor, the Department of Social Welfare. The 1969 Advisory Council Report stated that there were approximately 850 children in licensed children's homes, "some of whom were Aboriginal". Many of these homes were for children with mental or physical disabilities and placements were voluntarily arranged by or on behalf of a parent. Increasingly, other Aboriginal children were voluntarily placed into care, in either government or non-government facilities, for educational, training or employment opportunities, or for the duration of medical treatment.

While entrenched bureaucratic practices meant that the expanded Department of Aboriginal Affairs reflected many of the old attitudes towards Aboriginals, some changes began to emerge. For example, the department argued against placing Aboriginal children with white foster families because of the conflict in values and personal standards, difficulties of access by natural parents and problems associated with over-possessive foster parents. It believed that hostels, cottage homes and institutions were preferable for the development of a positive Aboriginal identity, although it did little to facilitate frequent and significant child/parent contact, which is a major prerequisite for healthy personality development. Supporting Aboriginal families and encouraging the care of children at risk within the Aboriginal community were not envisaged, any more than they were for non-Aboriginal children.

This shift in attitude away from assimilation was also reflected in the department's 1964 annual report when it referred to the disquiet that Aboriginal people might lose their cultural identity under assimilation policies and "be distinguishable only by their colour". The report went on to suggest that integration, which meant that Aboriginal people might join the white community on equal terms, yet retain the right to maintain both their physical and cultural identity, was a preferable approach.

Despite the purely terminological diversion suggested by use of the term 'integration', it is clear that the right of Aboriginal people to their own cultural identity was gaining acceptance.



## Amalgamation and the Community Welfare Act

In 1970, the Social Welfare Department and the Department of Aboriginal Affairs were amalgamated to form the Department of Social Welfare and of Aboriginal Affairs. Although only at an embryonic stage, these and other changes suggest that the shift towards Aboriginal self-management had commenced.

The *Community Welfare Act 1972*, (which established the Department for Community Welfare) maintained the policy whereby Aboriginal children were subject to the same legal processes as other children. An early amendment to the Act removed a section that made the Minister of Community Welfare responsible for the welfare of Aboriginal people. Although largely a symbolic change to demonstrate that governments could not be responsible for a people, it was also intended to facilitate the increased involvement of the Commonwealth Government in Aboriginal Affairs.

Despite these policy changes after the introduction of the *Aboriginal Affairs Act 1962* and the absence of specific powers related to Aboriginal children, a disproportionate number continued to be removed from families as a consequence of allegations of abuse and neglect. Professional and organisational attitudes were at times slow to change.

It is certain that the policies and procedures were no different for Aboriginal and non-Aboriginal children. It is probable, however, that a system framed in the context of the dominant white society could operate unfairly against Aboriginal people in a number of ways. Apart from linguistic problems, alien concepts and unfamiliar procedures, the socio-economic disadvantage of Aboriginal communities would often pre-dispose welfare authorities towards inappropriate intervention to protect children.

In other words, material deprivation was given more emphasis than emotional attachment, psychosocial adjustment and cultural and communal identity in balancing the best interests of the child. It was still possible for an Aboriginal child to be removed from his or her home because there was insufficient food in the house. Prevailing attitudes did not allow the provision of food, money and other material assistance as a family support measure to help prevent the removal of children.

Apart from systemic factors that may have been prejudicial to Aboriginal families and communities, welfare officers and social workers retained a reasonable amount of discretion in determining court applications to protect children. They determined which cases would be taken to court and on what grounds. Perceptions and judgements were influenced by a range of often subtle cues that could operate detrimentally towards clients of a different social class or culture.

Inadequate statistical data for the 1970s and the practice of not keeping statistics that identified Aboriginal people and other ethnic groups have made it impossible to quantify accurately the numbers of Aboriginal children removed from their families at this period and therefore to conduct any more sophisticated statistical analysis. Virtually the only data available are from a survey conducted in 1983 for the National Working Party on Aboriginal Fostering and Adoption. The results are tabled below:

**Placement of Aboriginal children in care**

Type of placement	Number	%
Living with parents	35	15.62
Living with relations	46	20.54
In Aboriginal foster home	50	22.32
In non-Aboriginal foster home	61	27.23
Living independently	11	4.91
Secure centre	1	0.45
Community residential care	5	2.23
Boarding school	1	0.45
Non-departmental hostel	7	3.13
Establishment for handicapped	3	1.34
Other	2	0.89
Unknown	2	0.89
<b>Total</b>	<b>224</b>	<b>100%</b>





## The Aboriginal Child Placement Principle

In 1973, the Federal Government accepted responsibility for Aboriginal Affairs. The Department of Community Welfare's Aboriginal Resources Division became the South Australian Regional Office of the Federal Department of Aboriginal Affairs. The transfer of functions included funding responsibility for Aboriginal reserves. The State Department retained responsibility for the provision of welfare services to Aboriginal people, both on and off reserves, as it did for all other members of the community.

During 1978, the Department for Community Welfare, now part of the Department of Human Services, commenced serious attempts to place all Aboriginal children who were unable to live with their own family with other Aboriginal families. The department at the time was attempting to de-institutionalise all of its care programs and few resources were provided for residential facilities for Aboriginal children.

In 1978, the Aboriginal Child Care Agency was funded through the department so that an Aboriginal community-based organisation would be available to provide family support services and alternative care services for Aboriginal children in need of care. Today the agency is jointly funded by the Commonwealth Government and the State Department of Human Services and provides a wide range of children's, youth and family services.

Major amendments to the Community Welfare Act were proclaimed in 1982. These amendments for the first time contained specific references to cultural considerations in the administration of the Act and gave specific recognition to groups experiencing particular disadvantages (Section 10 (1)).

Section 10 (4) of the Act stated that:

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

In 1983, the Aboriginal Child Placement Principle was officially adopted by the department as its formal policy. This principle holds that every attempt should be made to support a child within his or her family. If removal becomes a serious consideration, the Aboriginal community must be consulted and, if the child is to be placed away from home, preference must be given (in the absence of good cause to the contrary) to placement with:

- » member of the child's extended family
- » other members of the child's Aboriginal community who have the correct relationship with the child in accordance with Aboriginal customary law
- » other Aboriginal families living in close proximity.

To strengthen these policies, the *Adoption Act 1988*, was amended to incorporate the Aboriginal Child Placement Principle.

Late in 1983, South Australia chaired the National Working Party on Aboriginal Fostering and Adoption, which was established by the Standing Committee of Social Welfare Administrators. The working party's report led to the acceptance of the Aboriginal Child Placement Principle by all states and territories.



## Current policies and practices

The *Children's Protection Act, 1993-95*, which provides for the removal of children who are in need of care, has been framed to incorporate the Placement Principle (Section 5). In addition, the Minister's functions include assistance to the Aboriginal community "to establish its own programs for preventing or reducing the incidence of abuse or neglect within the Aboriginal community".

The Children's Protection Act in general is based on a premise that partnership between the community, families and the State will best provide for the care and protection of children. This is to counter beliefs that systems, including court processes, have become too adversarial and too remote and have worked to reduce parents' sense of involvement and responsibility and to reinforce a feeling of impotence in relation to their children.

The objectives of the Act include a recognition that the family of the child is the unit primarily responsible for his/her protection and a determination to strengthen and support families in carrying out that responsibility. The introduction of family care meetings (based on the New Zealand concept of family group conferences) as a critical intervention process prior to court proceedings has been regarded by policy makers as particularly relevant in dealing effectively and appropriately with Aboriginal children and their families.

Apart from legislative changes, the department's funding programs have been substantially revised in recent years to direct more resources for community-based services for children, young people and their families.

Criticism by policy analysts and Aboriginal people of departmental policy following the end of the forcible removal of Aboriginal children as an act of deliberate policy in the early 1960s, is that it has generally been reactive; that is, there has been a response to overt social problems such as young offending, child abuse or neglect and financial crisis but there have been few initiatives directed at proactive and preventive intervention. In this respect, the department's stance has reflected the attitudes and expectations of the community.

During the mid 1980s, an attempt was made under the direction of the Minister, the Hon Greg Crafter, to develop a comprehensive self-management strategy for Aboriginal people. One of its central components was the provision of resources to Aboriginal communities to enable them to develop relevant structures for child care and protection. Many of these principles continue to guide the department.



The impact



## The impact

The quality of people's lives, or the wellbeing of the Aboriginal community, cannot be measured by statistics alone. Every child who was removed and every family that lost a child suffered some degree of psycho-socio distress.

The Royal Commission enquiring into Aboriginal deaths in custody <sup>23</sup> drew specific attention to the relationship between the historical destruction of Aboriginal society, including the removal of children, and current social problems, with death in prison constituting the extreme end of a continuum.

Out of 99 deaths of Aboriginal people in custody investigated throughout Australia, 43 had experienced separation from their natural families in childhood. In South Australia, the comparable figure was four out of 12.

It should be noted that there was a gap of a generation between the removal of Aboriginal children as a matter of policy and the inquiries of the Royal Commission. The correlation between death in custody and removal from natural families may have been even greater if the Royal Commission had been established at an earlier period.

The forcible removal of Aboriginal children caused considerable pain, anger, fear and distrust amongst Aboriginal families and communities. Additionally, communities were deprived of significant members and potential leaders who could have contributed to the communities' social and economic development and to a better accommodation with white Australian society.

Aboriginal children who were separated from their families in childhood were confronted with many obstacles to their development of a sound sense of personal identity or self-concept and consequently to the development of constructive patterns of behaviour.





These obstacles included:

- » loss of love and nurturing from their families
- » loss of culturally specific, symbolic and community binding rites such as initiation
- » belonging to a culture which was destroyed and devalued by white society
- » the conflicting demands and ways of life of Aboriginal and European societies
- » language difficulties.

There is a universal body of knowledge based on rigorous, empirical research in a range of human societies, which demonstrates unequivocally the harmful effects of the separation of children from their biological parents at an early age, without adequate and consistent substitute parenting. Separation can lead to:

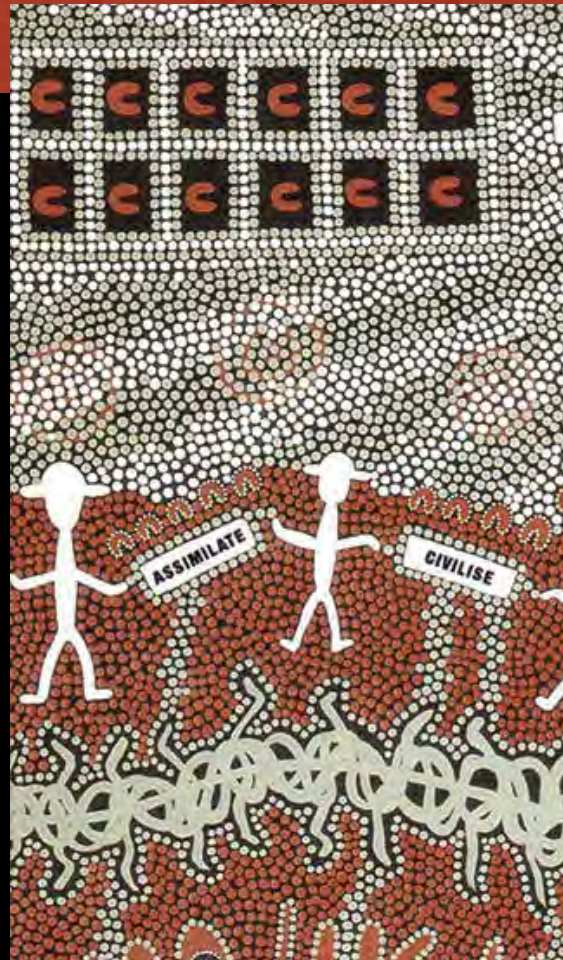
- » personality disorders
- » an increased incidence of alcohol abuse and drug dependency
- » mental illness, in particular depression
- » poor socialisation, including educational under-achievement
- » increased incidence of anti-social and offending behaviour
- » a break-down of traditional patterns of social cohesiveness and social control.

A further consequence of the destruction of Aboriginal culture is that patterns of family and community separation have been passed from one generation to the next. Children separated from their parents and communities have frequently not experienced appropriate family relationships and have therefore been unable to learn good parenting behaviour.

All of this, coupled with continuing and substantial social disadvantage, has meant that Aboriginal children are still much more likely than non-Aboriginal children to be separated from their families and placed in some form of substitute care.

A 1988 report into *Identity and belonging in foster care* by the Aboriginal Child Care Agency Forum in South Australia found that 25% of children in long-term foster care were Aboriginal, although the majority of these children were in Aboriginal placements. There is also a continuing disproportionate over-representation of Aboriginal young people in the juvenile justice system and, in particular, sentenced to detention in secure care institutions. There are many causes of this over-representation, but they include separation from families, placement in institutional or foster care and inadequate parenting models.





Conclusion



## Conclusion

From 1844 to 1963 various Acts of Parliament in South Australia placed all Aboriginal children under the guardianship of the State. For the last 50 or so years of that period, many Aboriginal children, mainly of mixed descent, were arbitrarily removed from their parents and communities. They were rarely allowed contact, or reunited with their parents. Often they were abused physically, psychologically and sexually.

The saddest aspects of these appalling events are that those responsible were generally well intentioned and had the support of a society that was largely indifferent to Aboriginal people. Governments often evinced confusion and uncertainty in their attempts to solve the 'Aboriginal problem'. Only in recent times (20 to 30 years) has there been any effective consultation with or involvement of Aboriginal people in the development of policies and practices regarding their welfare and future.

The fact that these well meaning attempts to protect, 'civilise' or assimilate Aboriginal people were ill founded and devastating in their consequences for individuals, families and communities is a salutary lesson for contemporary Australian society.

The only proper basis for a dignified reconciliation between black and white Australians is an open recognition of past mistakes and their ongoing repercussions. Future Aboriginal child welfare policy must be based on a commitment to promote the rights of all children to healthy development and social opportunities in a culturally pluralistic society.



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When societies of culture collide it is often the children who suffer most. For Aboriginal children the British colonisation of South Australia was no exception. During the first 120 or so years of European settlement successive governments either permitted or actively pursued policies of removing Aboriginal children from their parents and communities. The implementation of these policies represents one of the most shameful episodes in the treatment of Aboriginal people by white Australians.

Although frequently motivated by good intentions, the removal of Aboriginal children was to embitter relations between the two peoples and cause enormous pain and suffering to the children and their parents. The damage caused to individuals and families persists today.

The past cannot be changed but some of the wounds can be healed. The process of reconciliation must start with a candid recognition of what took place. This, therefore, is a brief history of the laws, policies and practices in South Australia which led to the forcible removal of many Aboriginal children from their parents and communities.

