

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 It is not intended to be used as a comprehensive historical document.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