

# NEOLIBERALISM, SETTLER COLONIALISM AND THE HISTORY OF INDIGENOUS CHILD REMOVAL IN AUSTRALIA

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## I Introduction

The publication in 1997 of the *Bringing Them Home Report of the National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from Their Families*,<sup>1</sup> was a crucial breakthrough in recognition of the genocidal treatment of Indigenous children in Australian history. Tony Birch commented at the time that the public emotional outpourings that followed were ‘a reaction of the moment’,<sup>2</sup> and he cited Slavoj Žižek’s observation that ‘in order to forget an event, we must first summon up the strength to remember it properly’.<sup>3</sup> For some white historians,<sup>4</sup> remembering ‘properly’ began with the commitment to painstakingly research and document the systematic forced removals in settler colonial history. For many remembering ‘properly’ was ignited by Indigenous testimony to the National Inquiry and reading published autobiographies,<sup>5</sup> whose ways of telling and remembering challenge the discourse of western historiography and illuminate the resilience of generations of Indigenous individuals, families and communities.

These histories are the context for the argument presented here, that Indigenous child removal is an integral instrument of Australian settler colonisation that has persisted over time in the face of political and socioeconomic change and agency to restore Indigenous family structures and values. This is a history of continuing punitive settler policies and agendas punctuated by rare periods of short-term positive change. It is a David and Goliath narrative in which Indigenous families and activists face the full force of the colonial settler state — its punitive discourses, policies, legislation and administrations that protect and advance settler stakeholder interests in Indigenous land and sea country, resources and labour, and the state’s investment in their control. In considering this history, I suggest that it is important to be aware of the

repeated, ongoing constraints of settler colonial formations in the present time of neoliberalism in the Australian context. From this perspective the recent shift from principles of self-determination and pluralism that peaked in the 1990s represents another retreat to the status quo, fuelled by the heightened anxieties and punitive values and instruments of neoliberalism and its antipathy to the welfare state.

## II Theoretical Framework and Pre-Federation Australia

Anglo settler colonialism is distinguished from other forms of colonialism that are based on the logic of exploitation of labour and extraction of resources. Instead, Patrick Wolfe argues,<sup>6</sup> it is premised on the logic of extermination: the invasion and dispossession of Indigenous lands and resources, and the permanent removal of Indigenous people from their lands and the extinguishment of their sovereignty, self-determination and culture. All is taken up by the settler colonial state for its progress and material gain, settler colonists populate the land and their civil society and governance are imposed on the territory. The settler colony is an enduring ‘structure, not an event’. Successive waves of permanent settlers benefit from the wealth and power that colonial sovereign authority brings them. As Lorenzo Veracini observes, it is a ‘winner takes all’ project.<sup>7</sup> Countries like Australia are not post-colonial. For Veracini decolonisation of settler colonial states seems impossible, requiring two essential coinciding moments: recognition of the colonists’ independence from their origins *and* recognition of Indigenous self-determination based on Indigenous rights and sovereignty. This is improbable while the two sovereignties remain ‘inherently incompatible and mutually exclusive’.<sup>8</sup> Maori scholar Makaere Stewart-Harawira agrees that there can be no closure to this ‘continuous unresolved

contradiction and ongoing provocation ... [a]s long as settlers continue to assert control over territories and resources, and Indigenous people refuse to surrender their rights'.<sup>9</sup>

The instruments of this model of settler colonialism include genocide of Indigenous people and assimilation of surviving unwanted Indigenous populations. Vulnerable children were victims of the genocide that ravaged the frontiers: the violent killings and deaths, fatal epidemics of disease, traumatic dispossession and cultural devastation. They suffered the sustained violence, forced labour, rape, starvation, malnutrition and broken lives and families. Harsh cruelty was the norm. On Western Australia's Pilbara frontier in the 1880s, children were a valuable labour resource for the new pearling and pastoral economies. Horrific instances of violent child capture and slave labour were exposed by Reverend Ernest Gribble, for which he was run out of the colony, proof of the costs of breaching colonial codes of silence.<sup>10</sup> In the Kimberley, boys were chained and imprisoned for up to two years for cattle killing. Employers disregarded protective legislation passed from the 1870s to save children from abuse. They manipulated the apprenticeship scheme in the *1886 Aborigines Protection Act* to allow their own punitive controls. When the colony achieved statehood in 1890 laws passed to control Aboriginal labour were tightened to include punishments of whipping and five years' imprisonment for boys who breached employment contracts. A quota of state revenue set by the British government to ensure sufficient Aboriginal funding was slashed after it increased dramatically with the wealth of the 1890s gold rushes.<sup>11</sup>

Assimilation is a core doctrine and apparatus of settler colonisation for managing Indigenous populations that survive the extermination, in particular children. In its various forms it has a long and complex history. In the global context assimilation is an enduring Western ideology and strategy that swings in and out of fashion transforming itself with changing social and political circumstances and in times of economic change and uncertainty and geopolitical dislocations. Assimilation also plays a vital role in nation building: by celebrating unity and conformity over pluralism and diversity it builds identity with the 'imagined community' of the nation identified in Benedict Anderson's classic study.<sup>12</sup> Assimilation is also the key settler colony policy for surviving Aboriginal populations from early contact in Australia to the present. Tim Rowse describes

it as 'built into the very fabric of Australian society ... we cannot say that it came to an end; it continues in one form or another'.<sup>13</sup> Assimilation determines conformity to the dominant culture while it erases others. Removing children from their families to institutions to be assimilated drove ongoing dispossession, cut transmission of knowledge and culture down the generations, and contributed to elimination of local populations by preventing their reproduction. Assimilation in nineteenth century missions was limited to basic numeracy and literacy, menial work skills and rudimentary religious instruction. Philip Deloria describes this as assimilation for 'similarity' not 'sameness', a process of transforming conquered people into 'ghost forms of the white conqueror'.<sup>14</sup>

Wolfe's structural model of settler colonialism has been criticised by transnational historians for its reifying approach and 'abstracted historical engagements'. However, Leigh Boucher and Lynette Russell suggest combining theory and empirical research in 'a more thorough engagement with and interrogation of the past'.<sup>15</sup> This opens up new areas of research and inquiry. Zoe Laidlaw proposes a 'new colonial history' that addresses the 'quotidian' as well as the 'exceptional', places 'individuals alongside politics and ideologies', and considers varied colonial identities and classes, their motivations and actions.<sup>16</sup> Detailed archival research documents the various practices that imposed British civil society on the new land, for example: Lynette Russell's study of narratives and policies of possession, the renaming of Aboriginal places and country,<sup>17</sup> and Julie Evans's analysis of legal cultures that usurped Aboriginal sovereignty.<sup>18</sup> Jane Carey and Jane Lydon advocate bringing Indigenous and Imperial histories not just 'into dialogue', but bringing to centre stage Indigenous intersections with settler culture and practices and their varying identities and motivations.<sup>19</sup> Zoe Laidlaw and Alan Lester identify spaces of Aboriginal agency within the grids of colonial power,<sup>20</sup> where families engaged in 'projects of individual and family survival, adaptation and resilience' to secure their rights to remain together on their lands.<sup>21</sup> These 'small-scale sites of Indigenous perseverance',<sup>22</sup> were often missions or settlements set up with the assistance of evangelical missionary and humanitarian groups. They were 'new social and spatial assemblages' formed from a convergence of Indigenous and settler networks linked into local and empire-wide 'exchanges and circuits'.<sup>23</sup> Comparative empirical case studies grounded in Indigenous epistemologies and narratives reveal the diversity and resilience of Indigenous families:

Resistance is exerted by the farmers as much as the warrior. It is as much about the bureaucratic warfare over small parcels of land as wars for sovereignty independence; kin and homestead as tribe or kingdom. We need to integrate histories of the family with histories of resistance—to reveal the courage in maintaining family life in the midst of colonisation and celebrate the art of ‘holding on’.<sup>24</sup>

Transnational models take us further than the destruction, killing, forced removal and assimilation of children to vital narratives of how, down the generations, Indigenous families fought authorities in various ways to keep their children, employing a range of strategies from armed resistance, political negotiation, letter writing and impromptu concealment, sometimes denying their own identity to keep their children safe. Writing meant parents could negotiate with authorities in their own words, using a familiar mode of protest, and they wrote thousands of emotional and often despairing letters seeking the return of their children or even just a scrap of treasured information about them.<sup>25</sup> Martin Nakata emphasises the ‘practice of intelligent, self-interested, and pragmatic sense-making based on a distanced observation of the external colonial order being imposed, the logic and reasoning of traditional modes of analysis, and against the oppressive and often seemingly absurd logic of colonial reasoning in local and everyday contexts’.<sup>26</sup> These narratives documenting past efforts and achievements also indicate the strategies based on Aboriginal values, knowledge and experience, ways of working together and cultural healing that are still followed today.

This approach to settler colonial history also shows the complexity of settler colonist motivations and actions as well as changes over time. We see the contradictions between British and missionary benevolence and settler cruelty and the shift of both towards harsher practices over time. In the 1830s, post-abolitionist Britain basked in the glow of evangelical humanitarianism and missionary endeavour that influenced the government’s 1837 *Report of the Select Committee Appointed to Consider What Measures Ought to be Adopted with Regard to the Native Inhabitants of Countries where British Settlements are Made*. Assimilationist ideals of ‘Christianising and civilising’ framed the report that advocated ‘imparting the blessings of civilisation [through] the propagation of Christianity, together with the preservation, for the time to come, of the civil rights of the native’.<sup>27</sup> Central to its ‘general scheme of improvement’

were mission protectorates to transform Indigenous people to become ‘industrious, sober and useful’: training the children was to be among the missionaries’ ‘foremost cares’.<sup>28</sup> By the 1860s, British humanitarian optimism had hardened along with racism, advocating more control and reform through physical punishment, confinement, regulation to inculcate self-discipline, work habits and settled family life. In Western Australia the first legislation to detain Indigenous children in institutions, passed in 1874, reduced parental guardianship and directed a flow of displaced children to missionaries to Christianise and civilise.

Another level of complexity emerges in obstacles that came from processes inherent in settler colonialism. In situations termed by Deborah Bird Rose as ‘deep-colonising’,<sup>29</sup> best intentions to resolve colonial contingencies actually contributed to their continuation and maintenance. For example, the benevolence of missionaries who saved children’s lives but denied their cultures and furthered goals of settler colonialism for their land. James Tully named as ‘extinction by accommodation’ the situation in which Indigenous structures incorporated into settler colonial policy contribute to erasure of the Indigenous sovereignties they represent and so the reproduction of settler colonial practices continued.<sup>30</sup> Another process is settler collective amnesia whereby facts that do not fit colonial master narratives, such as the narrative of benign settlement, are ignored and forgotten.<sup>31</sup> People who value the family as the cornerstone of all in society rationalise the breaking up of Indigenous families as being for their own good and reports to the contrary are ignored and forgotten. This forgetting is powerful and obstinate, persisting in the face of circulating knowledge, observable evidence, personal encounters and public protests. This was evident in the public shock at the findings of the *Bringing Them Home Report*, that suggested a long-held secret finally exposed when in fact there had been many earlier instances of public exposure and passionate debate. Race historian, Charles Mills, describes the ‘ironic outcome’ where the perpetrators ‘fail to recognise or understand the conditions that their racism has helped to produce’.<sup>32</sup> In this way knowledge of child removals emerges into public awareness and controversy and then subsides back into forgetfulness and ignorance, leaving the unjust treatment of Indigenous children to continue, repeated and unresolved.

Extremes of late nineteenth century racism based on Western theories of social evolution represented Indigenous

people as incapable of joining the national polity and the state's proscriptive discriminatory policies denied them any semblance of rights. As Marcia Langton explains, the (now) 'discredited biological and social construct' of scientific racism has been used to destroy, control and isolate 'unwanted' populations and rationalise their exclusion from subject-hood and citizenship.<sup>33</sup> Aboriginal people were represented as not just different, but as 'subhuman' relics from an evolutionary past, and their families as primitive sites and the parents incapable of raising their children as civilised subjects, hence the necessity to rescue them from these perceived sites of risk and danger.

### III From Federation Till 1967

Racism intensified with Australian federation and nationhood: to be Australian was to be white and British, members of a White Australia. Other races were refused entry to the country while those already here were deported or segregated to prevent any increase of these unwanted populations. The Constitution reinforced racism and discrimination, in part by omission through the absence of defining core features of citizenship and rights that enabled the spread of 'a national regime of discrimination'.<sup>34</sup> The Constitution also contained specific Aboriginal measures that excluded them from the census count and prevented the federal government from legislating for their cause, leaving them subject to the parochial interests of the states in control of Aboriginal affairs. Laws were passed to disenfranchise them; they were excluded from measures to ensure an adequate standard of living for other Australians and denied access to the minimum supports of the government's safety net of cash benefits for families in need. These deprivations drove the poverty and neglect that increased the vulnerability of families to removal of their children by state governments.

In the new century, Western Australia developed a Draconian discriminatory system of Aboriginal population management that operated into the late 1960s. Defined by race and discrimination, the *1905 Aborigines Act* embraced policies of protection, segregation and assimilation in practices of neglect, surveillance and control and all manner of deprivations. White interests on the new frontier of the wheat belt took precedence. Families lived in town camps with no ablutions or running water under police control and were denied medical services and schooling. Such living conditions once again reinforced the impression of parental neglect of their children. 'Welfare' was little more than

rations and blankets. White complicity at all levels allowed this life-threatening state of neglect that contributed directly to widespread removal, institutionalisation and assimilation of children.

Children of mixed Aboriginal and European or Asian descent became a target for removal, ostensibly to give them a better chance in life, but also to limit their increase. The Aborigines Department's Travelling Inspector visiting camps in the East Kimberly in 1909 clearly expressed in his daily journal the department's reasons and power to remove them:

To see the open indecency, immorality and hear the vile conversations ordinarily carried on, which these children listen to and repeat would convince ... that separation is absolutely necessary if the future welfare of the youngsters is to be considered.

I am convinced that the short-lived grief of the parent is of little consequence compared to the children's future. The half-caste is intellectually above the aborigines, and it is the duty of the State that they be given a chance to lead a better and purer life than their brothers.<sup>35</sup>

Soon after came his triumphant journal entry: 'I was glad to receive telegraphic instructions ... to arrange for the transport of all half-castes ... to Beagle Bay mission'.<sup>36</sup>

Such practices were typical of the system operating from 1905 into the 1950s loosely based on British models of child reform from the nineteenth century, but they bore little resemblance to provisions of the *1907 State Children's Act*. A comparative analysis provides indisputable proof to discredit claims that their treatment was humane and met with standards of the time.<sup>37</sup> Aboriginal parents had no rights since the Chief Protector of Aborigines was guardian of their children. Police could round up children from camps on their own initiative without forewarning their families and send them away, with the intention that they should never return. From 1914 placements in the south meant incarceration in a government native settlement,<sup>38</sup> the department's centralised, run-down, multipurpose institutions that provided 'welfare' for the elderly and useful adult workers and a new 'home' for Aboriginal children, including youthful offenders. The institutions were hazardous for the children in terms of diet, hygiene, medical care, epidemics of disease, heavy tasks, rudimentary schooling, harsh discipline and emotional trauma and grief. Little wonder then the long list

of emotional, social, medical and psychological problems suffered by such child 'inmates' in their adult lives reported in the *Bringing Them Home Report*. Also alarming was the settlement's genocidal purpose of elimination by social engineering, whereby they acted as 'clearing houses' where older generations passed away and the children of mainly mixed descent were trained to assimilate as rural and domestic workers on the outside. In this way the problem of Aboriginal culture and unwanted populations would be made to disappear.

Events in the early 1930s show the privileging of white over Aboriginal interests and their worsening discriminatory treatment. When the economic depression forced Aboriginal families into town camps the locals demanded that they be moved away. The growing mixed descent population in the south was labelled, like all unwanted populations, a menace, a danger and a threat to public health, morality and safety. A deputation to the premier by Aboriginal men in 1928 objected to the harassment and institutionalisation of their children. Feminist activists with international connections campaigned for children and mothers to remain together and cited examples of abuse and trauma. Both drew on the League of Nations' 1925 Declaration of Rights of the Child to which Australia was a signatory that 'recognis[ed] that mankind owes to the child the best it has to give ... beyond and above all considerations of race, nationality and creed'.<sup>39</sup> Instead, in 1936, legislation based on eugenic principles introduced discriminatory powers for the genocidal treatment of Aboriginal children. The plan was to 'breed out' Aboriginal physical and cultural characteristics by isolating 'lighter-skinned' children in separate institutions and directing them as young adults to marry partners of like appearance. According to Chief Protector Neville, who championed this eugenic solution, 'the end in view will justify the means applied'.<sup>40</sup> This was another version of assimilation, this time to make the unwanted problem Aboriginal population disappear altogether, culturally and physically, *into* the settler colony.

The decades of the 1950s and 1960s in Australia are sometimes referred to as the 'high period' of assimilation policy, in recognition of its central role as a core doctrine promoted by the federal government for incorporating Aboriginal people and also European immigrants into the settler colony nation. The three aspects of assimilation referred to earlier were all operating: the global context, nation building and management of problem populations.

International post war politics and human rights set this in action. The Aboriginal 'situation' was once again on the humanitarian agenda, but this time the attention was not just British but global, coming from countries gathered in the halls of the United Nations.

This was a time of rapid change, of economic global recovery and expanding capitalism, of consolidation after the horrors of world war, and new fears of a cold war and the threat of atomic warfare. In this context the ideology of assimilation shaped a global dream of a united world at peace and safe from further conflict. The United Nations led the new humanitarianism with its Declaration of Human Rights, campaigns to end racism and divisive cultural differences, and determination to unite the world as one global family. The members supported decolonisation of British and European empires in Africa and Asia by passing the 1960 Declaration on Granting of Independence to Colonial Countries and Peoples. However, Indigenous people were an anomaly in the international rights discourse. They could call on all the protections of political and civil rights and basic economic, social and cultural rights, including the 1948 Genocide Convention (signed by the Australian government) that defined forced removal of children from their families as genocidal. However, settler colony nations blocked decolonisation within their borders by refusing to recognise Indigenous sovereignty and self-determination. Instead they were deemed to be assimilated subjects of their settler colony nations.<sup>41</sup> Australian officials overlooked the implication for Indigenous children of research for the World Health Organisation on the deleterious effects of maternal deprivation on children separated from their families by war and conflict.<sup>42</sup>

The Australian government was focused on other pressing issues, fearing in particular the same world condemnation for its race laws that was being directed at South Africa for its apartheid regime. Assimilation as a unifying force of modern nation building that promised equality for conformity was the model to progress Aboriginal citizenship rights and legislative reform and equality of treatment built on the cornerstone of the nuclear family. This meant keeping Aboriginal children and families together. The settler colony would become a modern Australia, no longer united by whiteness but unified culturally by the Australian Way of Life. In return for equal rights Aboriginal people would have to abandon their culture. In this way, initiatives to resolve colonial injustice entwined with deep colonising processes to

create a modern version of the nineteenth century mission scenario of the gift of colonial benevolence in exchange for loss of Aboriginal culture and land. Assimilation meant different things to Indigenous families, but most responded cautiously seeking to harness assimilation to achieve their own aspirations for improved health, education, and equal rights for their families without surrendering their cultural identity. The states were in control of Aboriginal affairs, and with the exception of a recalcitrant Queensland, they were already implementing their own versions of assimilation.

In 1961 after ten years of manoeuvring by the Minister for Territories Sir Paul Hasluck and with the political situation escalating a full sitting of the Native Welfare Council of state ministers and state and federal bureaucrats reached agreement on the following definition:

The policy of assimilation means that all aborigines and part aborigines are expected to eventually attain the same manner of living as other Australians and to live as members of a single Australian community enjoying the same rights and privileges, observing the same customs and influence by the same beliefs, hopes and loyalties as other Australians.<sup>43</sup>

This made little difference domestically as most states pressed on with their own agendas of citizenship rights, improved living conditions and mainstreaming of services. They were realising that assimilation was a hard road, requiring political and citizen willpower, financial investment and major reform of mainstream services. Stakeholders were reluctant to relinquish their controls. Charles Rowley wrote in 1966 that the new 'assimilation policy' was one in a long line of 'rationalisations' of 'deferment of rights ... [and] tuition before rights'.<sup>44</sup> This was the case in Western Australia where the policy was adopted in 1948 but legislative reform took until 1972 to complete.

The family and children were central to the agenda of assimilation. In the move from camps to the suburbs they would remain together with sufficient employment, state housing, medical services and schooling for their children. Visions of Aboriginal families participating responsibly in the Australian Way of Life appeared in government films, booklets and press interviews. However, the promises and the reality were out of step and disadvantage continued. There were many new expenses for families and government promises were broken leaving many in dire straits. They were also denied the benefits of post-war housing, infrastructure

and finance provided for Australian citizens and immigrants. This severely disadvantaged them economically in the long term, despite the advances in legal and political rights. Assimilation did not resolve inequality and injustice but created a new legacy of poverty, welfare, poor health and early deaths that left families still vulnerable to removal of their children. Resumption of land for agriculture and mining that meant forced relocation made family life precarious. In the Central Reserves vast areas were excised for exploration on the new mining frontier, adding to lands already taken for atomic weapons research. In the late 1950s the rights of children and mothers in the Declaration of Human Rights were cited in the West Australian Parliament to oppose plans to remove Aboriginal children from their families at Warburton Mission the edge of this new frontier to a mission hundreds of kilometres to the south.<sup>45</sup> The matter was widely reported in the local media, but was soon forgotten.

Mainstreaming of Aboriginal child welfare along with health, education and housing were major initiatives of assimilation policy. The intention was equality, but families soon found they were still treated differently. The move to child welfare in Western Australia began in the late 1940s, hurried along by internal disclosure of a culture of the department's neglectful treatment of children including illegalities in removals, appalling conditions in the institutions and claims of physical and sexual abuse there.<sup>46</sup> The institutions were quietly closed. Rather than directing savings to support families to remain together, a new network of children's mission and hostels was created to accommodate children from 'problem' families who did not meet imposed new standards, for example compulsory school attendance after decades of being excluded from state schools. For a time two departments—the Department of Native Welfare and Department of Child Welfare—were in charge, the former ran the children's missions and the latter organised removals now made through the courts and new placements including foster care and adoption with white families or transfers to juvenile detention. Interventions in family life escalated with this double jeopardy. Child welfare laws could have provided greater protection for families, had they had legal representation and experience of welfare procedures. Families were assessed according by Child Welfare staff accustomed to conventional working class homes, and failure to meet standards could lead to removals. There were instances of officers colluding with hospital staff to force adoptions and taking hospitalised children into state care without consulting their parents.

The elderly litigants in a compensation case in Perth in 2013 explained their experience of assimilation policy to the court. In the 1950s they were seasonal rural workers, living in a camp on the edge of a small wheat belt town. In 1959 child welfare officers took their baby from the local hospital without their knowledge and two years later eight more of their children were taken into state care.<sup>47</sup> The parents claimed their children had been 'loved, cared for and never neglected', that their removals were due to racism, not 'squalor and neglect', that the children were denied their parents, their natural familial relationships and their cultural heritage and were exposed to abuse, isolation and trauma. They had felt powerless to act: it was a racist society with no Aboriginal Legal Service or any way to plead for their rights and they feared they would be arrested if they put up a fight and 'things would be worse. 'They had no-one and nowhere to turn to'. The case was dismissed in April 2014, another injustice from the failure of civil litigation processes in such cases due to the nature of Australian law surrounding fiduciary duty. Assimilation laid the foundations of a new expanding industry built up by government departments and non-government agencies working with Indigenous children and families. Already in 1974 the *Furnell Royal Commission into Aboriginal Affairs in Western Australia* had noted that institutionalisation of Aboriginal children in the state was seven times higher than would be expected statistically.<sup>48</sup>

#### **IV From 1967 Referendum to Present**

The policy of assimilation crumbled following the successful 1967 referendum on full citizenship rights in the Australian Constitution, including amendments to enable the federal government to legislate for Aboriginal people. With the election of the Whitlam Labor government in the early 1970s, an extraordinary period of positive change began that showed what could be achieved by Aboriginal leaders backed by a sympathetic government and policies of Aboriginal self-determination and sovereignty, and projects informed by Aboriginal cultural epistemologies and family practices and values.<sup>49</sup> The government contributed unprecedented levels of funding, enlightened personnel, new administrative models, tentative acceptance of Aboriginal governance and ways of working, and support for Aboriginal service organisations and networks of national and international collaboration. The United Nations International Year of the Child was an important incentive; the government was party to drafting of the 1978 Convention of the Right of the

Child and had much to clean up in its own backyard to avoid repetition of the earlier threats of international shaming.

During the 1970s, media reporting on several controversial cases turned the rights of Aboriginal families and children into a heated national issue. Two particular cases from northern and southern Australia exposed divided official and public opinion and serious ignorance of the issues involved. In the south there was a new tone in official announcements. In 1968 the Victorian Director of Aboriginal Affairs told the press that 'trafficking' of Aboriginal children was rife in the state. Hundreds were being kept illegally by white families and he was determined to return them all to their families. He urged Aboriginal parents to 'assert their rights, go to the police and, if necessary, start prosecutions'.<sup>50</sup> He added that there was an 'unbelievably prevalent' idea of taking away Aboriginal women's responsibility to care for their own families. Koori activists and the Aborigines Advancement League backed the claims. An acrimonious debate followed over whether Aboriginal mothers or white families with their material resources were better placed to care for Aboriginal children. The press provided a public voice for white foster mothers, but not Aboriginal mothers, who were often accused of neglecting their children.

Controversy surrounding a case in Darwin in 1973 was such that it led to the dismissal of a minister in the Whitlam government. Public opinion on fostering placements of Aboriginal children with white families was polarised by sensational reporting of the radical action by Bill Ryan, Director of the Northern Territory Legal Service and member of the Stolen Generations, and social worker John Tomlinson, who removed an Aboriginal girl from foster care in Darwin and returned her to her family in a remote community against government directives.<sup>51</sup> It was a cruel irony that the media staunchly supported the department and foster parents when they were the ones guilty of breaking the law for refusing to return the girl whose parents had begged for over six years for her return. In a further gross injustice the papers wrote of Aboriginal primitive barbarism and claimed that the 'seven-year-old civilised miss' had been returned to a 'stone age world' and would be forced to marry a middle-aged 'promised husband' and to undergo 'ancient Aboriginal virginity rites'. Determined to reform the placement system, the Minister for Aboriginal Affairs Gordon Bryant made the controversial announcement that all Aboriginal children in foster care in the Northern Territory would be returned to their families. Bryant was then removed from the ministry

over his handling of the case. Ryan and Tomlinson were also casualties of the affair. Ryan was dismissed from his position as Director and offered the job of field officer instead. Tomlinson was charged with disobedience and misconduct and demoted. The issue continued on into 1974 with protests by social workers supporting reform and statements from Aboriginal leaders like Joe McGinness, President of the Federal Council of Aboriginal and Torres Strait Islanders, who attacked the equating of Aboriginal families with neglect as 'an absolute insult to the Aboriginal people of Australia'. The National Aboriginal Consultative Committee called for a federal inquiry into fostering systems in the Northern Territory and South Australia, however, the matter was shelved and eventually forgotten by the Australian public.

There was less media interest in the real, vital changes happening in Aboriginal community organisations to improve family health, living conditions and legal rights. They negotiated with authorities and represented family interests and spread understanding of the systematic nature of Aboriginal child removal across the nation. Legal representation by Aboriginal Legal Aid Services supported parental rights in court. In a landmark case in the Northern Territory Supreme Court in 1972, the judge ruled in favour of returning a two-year-old boy placed with American foster parents to the 'love of his mother and extended family in which, as he grows older, he will probably feel more at home than with a white family'.<sup>52</sup> The Victorian Aboriginal Legal Service in Melbourne documented evidence of high levels of relationship breakdown in adoption placements with white families—90 per cent before 1977—and related youth incarceration.<sup>53</sup> Collaboration with the National Adoption Conference, which led opposition to forced adoption within white families, gave support to calls to stop forced Aboriginal adoptions as well.

What also emerged during the 1970s were new self-determining service organisations for children and families including Aboriginal Child Care Agencies, Link-Up and the Secretariat of National Aboriginal and Torres Strait Islander Child Care.<sup>54</sup> They worked to assist with reuniting families; to place removed children with Indigenous families; to develop programs for family maintenance; and to sustain culture within families and communities. A major outcome was the formulation of the Aboriginal Child Care Placement Principle (ACPP) that operated in most states by the 1990s. Vital meetings with Indigenous organisations in the United States and Canada funded by the federal Office of Child Care

(OCC) in the lead up to the 1979 International Year of the Child helped to progress this policy of indigenising child and family welfare. The recognition of Aboriginal customary family law in 1986 by the Australian Law Reform Commission was a boost for programs of family cultural maintenance. In 1991 the Royal Commission into Aboriginal Deaths in Custody (RCIADIC) announced its findings of causal links between child removal and deaths in custody and alarming statistics of escalating institutionalisation. The stage was now set for the national Stolen Generations movement's push for the appointment in 1996 of the federal *Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from Their Families* and its controversial revelations of genocidal practice in the Australian settler colony nation's treatment of Aboriginal children and families:

that the forcible removal of Indigenous children was a gross violation of human rights. It was racially discriminatory and continued after Australia, as a member of the United Nations, from 1945, committed itself to abolish racial discrimination. ...

that forcible removal was an act of genocide contrary to the convention ratified by Australia in 1949. ... A major intention of forcibly removing Indigenous children was to 'absorb', or 'merge; or 'assimilate; them, so Aborigines as a distinct group would disappear.<sup>55</sup>

The period of national emotional upheaval, of shock, grief, guilt and outrage remains part of national collective memory, but it too is slipping into the morass of forgetting and ignorance. This was encouraged by replacement of the discourse of human rights and social justice with conservative agendas of 'practical reconciliation', 'mutual obligation', 'welfare dependency' and 'shared responsibility'. The paradigm of Aboriginal families as danger and risk was brought out once again to raise public support for government Intervention and management of Aboriginal people and regain access to their lands. Policies of self-determination and Aboriginal control over their lands were no longer tenable. Shocking allegations of child sexual abuse rife in Indigenous communities rationalised for mainstream Australians the invasive actions of the Northern Territory Intervention and threats to close up to 150 communities in Western Australia. As Terri Libesman points out, state intervention today continues to happen within these non-Indigenous paradigms that are embedded in settler colonial and neoliberal understandings.<sup>56</sup>



In the Australian settler colony nation today we live with escalating urgencies and alarms of global terrorism, climate change, economic disaster and wars of human annihilation. Fears of so-called problem populations—Indigenous, ethnic, refugees and asylum seekers—threaten national security and peace. In this context, there is public support for an encompassing state apparatus of management through surveillance, containment and banishment to institutions and/or forced assimilation into the nation state. Global terrorism generates the dehumanising of ‘problem populations’ and support for harsh solutions that hark back to origins in carceral institutions for Indigenous populations in settler colonial states. This is the reality of accelerating incarceration of Indigenous men, women and children. For Indigenous people the driving force of neoliberal capitalist economies for global economic development their hard-won land security in the new struggle for their land and resources of water, food, minerals, energy and territory for fast growing markets and populations. As ‘problem’ populations Aboriginal people are once again being displaced and relocated and forced to transition culturally to assimilate into the mainstream. Teresa Libesman points to the accumulated consequences for Aboriginal families of the:

shifts away from recognition of collective histories and rights to a more neo-liberal focus on individual responsibility and compliance with mainstream measures of well-being. This shift has been accompanied by greater prevalence of populist racist characterisations of neglect and abuse as pertaining to cultural and individual Indigenous deficits rather than founded in colonial experiences and systemic disadvantage. There has also been more anecdotal evidence about a disregard for the rule of law and more overtly discriminatory responses to Indigenous families.<sup>57</sup>

We see this in increasing levels of removal and placements of Aboriginal children and institutionalisation of Aboriginal juveniles. The ACCA placement principle is criticised and often sidelined in care arrangements. Placements such as forced adoption recently rejected are now being reconsidered. Removal of children from the care of their grandmothers, a traditional Aboriginal family child-care arrangement, is once again under scrutiny, prompting the formation of Grandmothers Against Removals (GRMAR). In a further cruelty newborn babies are taken from mothers who test drug positive despite care being available within the mothers’ extended family.

In a program for Perth Noongar Radio that won the 2014 Human Rights Award for Radio, producer Carol Dowling cites alarming figures in Western Australia where Aboriginal children make up 50.5 per cent of all child placements in the state, but are only 5 per cent of the general population, and 34 per cent are with non-Aboriginal carers.<sup>58</sup> In an example of ‘bad policy economics’ she cites figures of government expenditure of \$3.4 billion to keep child protection structures in place compared with \$68 million on Aboriginal family support mechanisms to help keep children in their families. Selena Kickett talks of the vital need for healing to relieve the transgenerational trauma from the ongoing breaking up of Aboriginal families. An unidentified mother calls out at a protest that taking the children is ‘killing our future’. Little wonder then that Dowling called the program ‘Another Stolen Generation’.

## V Conclusion

This paper has argued that forced removal of Aboriginal children has been a continuing integral process in punitive settler polices and agendas of Aboriginal child removal throughout the history of the Australian settler colony. Despite Aboriginal activism to reclaim the children and to indigenise Aboriginal child and family care, numbers of removals and placements outside of Aboriginal families continue to rise and their pace is accelerating in today’s neoliberal environment. The models and processes of settler colonialism examined suggest that reversal of the practice and the prospect of a post-settler colony are impossible. However, there is also cause for optimism in the exceptional outcomes of Aboriginal activism during the decades from the late 1960s to the 1990s when significant inroads were temporarily made. Reclaiming these narratives treasured by local Aboriginal communities, but lost in the fog of colonial amnesia, and inserting them into Australia’s public history honours Aboriginal achievements for the wellbeing of their children. They also remind of us of their powerful strategies for change drawing on Aboriginal values, knowledge and experience and ways of working together for cultural healing. There is still other work to be done. The National Apology has been made, as recommended by the Bringing Them Home Inquiry, but the nation has conveniently forgotten how the apology was linked to the van Boven Principles: Basic Principles and Guidelines for the Right to Reparation for Victims of Gross Violations of Human Rights and Humanitarian Law,<sup>59</sup> which advocates a full range of reparation measures, including restitution, compensation,

rehabilitation, satisfaction (which includes an apology), and guarantees of non-repetition. No Australian government has seriously attempted to address these principles. No definitive action has been taken to stop this treatment of Aboriginal children and families and ensure that it never happens again. As a nation we have had the luxury of expressing sorrow and remorse through the Apology to the Stolen Generations, but most of us have gone on with our lives untroubled by the unpaid debts still owed. We should heed Tony Birch's warning that Indigenous communities can no longer be left to 'carry alone' the burden of injustice and the weighty responsibility of remembering 'properly'.<sup>60</sup>

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