8. Victoria

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 It is not intended to be used as a comprehensive historical document.

Colonial settlement

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

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

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

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

The Aborigines Protection Board

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

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

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

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

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

- keeping 'full-bloods', who were thought to be dying out, on the reserves
- merging 'half-castes' into the white community.

What followed as a result of these new laws was the forced removal of all 'part-Aboriginal' people under 34 years off the reserves and away from their families. The law also forced mixed-descent children into work. Employment and education were seen as successful ways to merge mixed-descent children into the community. So, once an Indigenous child turned 13 they were sent to work or apprenticed – the males usually worked as farmhands, the females as domestic servants. Once they left the reserve, they were not allowed to return without official permission.

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

The Board continued to make regulations that extended its powers of removal. If families refused to consent to the removal of their children, they were threatened with being forced to leave the station or being denied rations.

Between 1886 and 1923, the number of reserves in Victoria dropped from six to one. All Indigenous people who wished to receive assistance from the Board had to move to Lake Tyers, the only staffed institution after 1924. The decline in reserves meant the Board could cut costs. However, it could only do this by forcing mixed-descent children off reserves and into schools or work.

A growing underclass

In 1957, less than 200 Indigenous people were reported as living in Victoria. This was based on the number of people living on the reserve at Lake Tyers. Based on these figures, the Victorian Government refused to attend the national conference on the 'Aboriginal problem'.

Of course, there were many Indigenous people living off the reserve – whether by force or choice. Those not living on the Lake Tyers reserve were denied any welfare assistance from either the government or the Board. Facing hostility from the non-Indigenous community, they moved into shanty towns on the outskirts of country towns or the sites of former reserves. Indigenous communities grew in the Goulburn Valley, East Gippsland and along the Murray River. Many also moved to Melbourne.

Although the Board continued to have power over Indigenous children generally, it was only concerned with the people at Lake Tyers. Despite this, the removal of Indigenous children from their families continued – largely informally and by private means.

Between 1887 and 1954, private welfare agencies and individuals were authorised to remove Indigenous children if they suspected the child was neglected. They could assume guardianship of them or send them to an institution. In 1957, there were at least 68 institutions managed by 44 different private agencies.

As these removals were informal and private, they were very difficult to control. Often, what was temporary assistance agreed to by the parents ended up being the start of an irreversible removal process. The government found it difficult to keep track of these removals, making it near impossible for parents to locate their children.

Adoption laws were also used by individuals to remove children. The Victorian *Adoption of Children Act 1928* allowed anyone to arrange an adoption, so long as the mother consented. Some Indigenous parents would later find out they had unknowingly agreed to give up their children, when they thought they were placing them in temporary care.

Assimilation

In 1955, the newly elected Premier appointed Charles McLean to review and recommend changes to the state's Aboriginal affairs policy. Soon after his appointment, McLean reported back on the dire conditions in which many Indigenous people lived:

> On these two areas [at Mooroopa] live about 59 adults and 107 children, in most squalid conditions. Their 'humpies' are mostly constructed of old timber, flattened kerosene tins, and Hessian ... They are not weatherproof, have earthen floors, very primitive arrangements, and no laundry or bathing facilities except for the river ...

The Aborigines Advancement League expressed their concerns to McLean about the physical and cultural future of Indigenous people. They also advocated self-government for the communities. McLean rejected these claims and called for a policy of assimilation instead.

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

McLean's recommendations were taken up by the government. In 1957, the *Aborigines Act 1957* was passed. Under this new law, the Board was given no specific power in relation to Indigenous children. However, the Board could inform the police that it was concerned about a particular child, and thereby initiate removal.

It was the police who had most power to remove Indigenous children. Until 1985, the Victorian police were empowered to forcibly remove Indigenous children under the *Child Welfare Act 1954*. While the McLean inquiry was going on, police suddenly took action to remove children from Indigenous communities in Gippsland, the Western District and the Goulburn Valley.

During 1956 and 1957 more than 150 children were living in government-run children's institutions. This is more than 10 per cent of Indigenous children in Victoria at that time. The great majority of these had been removed by the police.

In 1969, the *Aboriginal Affairs Act 1969* was changed so that police had to notify the government whenever an Indigenous child was being removed.

Self-management

Following the 1967 referendum, the Commonwealth Government entered into the field of Aboriginal Affairs. This led to a review of Victoria's policies on Indigenous people, as well as disagreement within the Victorian Aborigines Welfare Board.

The first change came that year with the *Aboriginal Affairs Act 1967* and the appointment of a Minister for Aboriginal Affairs. The Act enabled the Minister to review existing laws and policies on Indigenous people living in Victoria. Within the first year, the Minister expressed concern about 'unauthorised fostering arrangements of Aboriginal children'. He stated that at least 300 Indigenous children were informally separated from their parents, with possibly many more unknown.

Despite this change, the number of Indigenous children forcibly removed continued to rise – from 220 in 1973 to 350 in 1976.

Real change came with the establishment of Indigenous-operated community services. These included:

- Victorian Aboriginal Legal Service Cooperative (appearing for Indigenous children in court)
- Victorian Aboriginal Child Care Agency (opened in 1976).

The efforts of these Indigenous-operated organisations resulted in a 40 per cent reduction in the number of Indigenous children in homes as early as 1979.

In 1979, the Victorian Government adopted the Aboriginal Child Placement Principle. Under this, an Indigenous family must be the preferred placement for an Indigenous child in need of alternative care. This is now included in the main child welfare and protection laws.

Links

- Information on the Coranderrk Reserve
  http://www.museum.vic.gov.au/encounters/coranderrk/index.htm
- Museum of Victoria – 'Hidden Histories' (oral histories of Indigenous people in Victoria)
  http://www.museum.vic.gov.au/hidden_histories/histories/

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