

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 It is not intended to be used as a comprehensive historical document.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

Van Dieman's Land, as Tasmania was originally known, was first occupied in 1803 as a penal colony. The occupation was accompanied by more than 30 years of severe conflict. It ended with the near total removal of Indigenous people from mainland Tasmania.

Kidnapping of Indigenous children by settlers for domestic and farm labour was widespread, causing one Governor to express his 'utter indignation and abhorrence' at the practice. In 1819, another Governor, Sorrell, made a similar proclamation. He also ordered officials to list all children and youth held by settlers. Those children removed without parental consent were sent to Hobart, where they were educated and housed.

The situation worsened as the 1820s brought an influx of European settlers who quickly took up land. Indigenous resistance hardened, and the colony fell into a state of panic as attacks and murders became more frequent. Governor Arthur responded by declaring martial law. This period of conflict came to be known as the 'Black War'.

After a spate of attacks on settlers in 1830, Colonel George Arthur decided "to deliver the knock-out blow that would bring the conflict to an end once and for all". It was known as the 'Black Line'. Over 2 000 men were recruited and spread out in a line across the north of Tasmania. For six weeks they moved southward with the aim of driving the Indigenous population onto two peninsulas in the far south-east. The plan was an utter failure.

Removal to the islands

George Robinson, a local building contractor who had travelled among Indigenous people and gained their trust, suggested to the government that he negotiate with them. He would offer them protection, food, clothing and shelter away from the mainland. The government agreed and organised their removal to Flinders Island, north of mainland Tasmania.

By 1835, more than 200 Indigenous people had been moved to the Wybalenna settlement on Flinders Island. Conditions on the Island had a drastic effect on them. The combination of inadequate shelter, scarce rations, disease and loss of freedom meant very few survived the relocation. By 1843, only 50 of the original 200 survived.

The adults who remained were again relocated – this time to Oyster Cove, south of Hobart. The children were sent to an orphan school in Hobart to adjust to non-Indigenous society. In 1855, mixed-descent people at Oyster Cove were forced off the reserve and into the non-Indigenous community. By 1886, those remaining on the reserve had died.

When Robinson established the reserve on Flinders Island, he came across another Indigenous community. These were the descendants of Indigenous women and about 12 European sealers. After the collapse of the sealing industry, these Indigenous people stayed on the island. Since they were of mixed descent, Robinson did not consider them under his responsibility.

By the late 1870s, this community moved south to Cape Barren Island. In 1881, the Government established a formal reserve there. The community was visited regularly by missionaries and in 1890 a missionary schoolteacher was appointed to visit Cape Barren Island. By 1908, the Indigenous population on the island numbered 250 people.

The Government sought to control the lifestyle of the people on Cape Barren Island and force them to become self-sufficient. To this end, the *Cape Barren Island Reserve Act 1912* was passed. It provided that unless the residents of the Island constructed dwellings and cultivated the land, they would lose their right to occupy the land. Ten years later, very few of the Islanders had complied with the Act.

The Secretary of Lands also wanted to remove the children on Cape Barren Island and appoint a manager to oversee the land's development. He received legal advice saying that any removal of children from parents without consent would be against the law.

Assimilation

The Tasmanian Government did not formally adopt a policy of removing Indigenous children. This was partly because of the severe reduction of the Indigenous population since colonisation and their removal to Flinders and Cape Barren Islands. Even so, other policies and practices were used to remove Indigenous children. By the late 1920s, proposals to remove children started appearing in government reports.

A 1929 report highlighted the impoverished living conditions of the Cape Barren Islanders and found that many children were suffering from sickness, including malnutrition. Amongst other things, the report recommended that once children completed school they should be encouraged to leave the Island and the influence of their family.

The government responded by appointing the head teacher on Cape Barren Island to the position of 'special constable'. This gave him the power to remove a child for neglect under the child welfare laws. Fearful of losing their children, many Indigenous families left the Island for mainland Tasmania.

Another inquiry in 1944 found that the Indigenous population had dropped to 106. It noted that their health was deteriorating, particularly because they were dependent on outside sources of food. Initially, the government strictly encouraged the Islanders to farm the land, making it a condition of holding any land on the island. This approach failed and the reserve land went back to the government. Rather than choosing to assist families living in poverty, the government demanded they move to the mainland or risk having their children taken.

From the 1950s, officials increasingly removed Indigenous children to mainland Tasmania using the child welfare laws – the *Infants Welfare Act 1935* and the *Child Welfare Act 1960*. Children could be removed if they were judged by a court to be 'neglected'. Although the laws allowed parents to appear in court to challenge the decision, the remoteness of the islands from the mainland made this a practical impossibility.

Under these laws, parents could also be charged with the criminal offence of neglecting a child and sentenced to imprisonment. Once the parents were imprisoned, their other children would also be removed.

When removed, Indigenous children were usually fostered out to non-Indigenous couples or sent to homes where most of the other children were non-Indigenous.

Towards self-management

During the 1970s, the government began acknowledging the existence of an Indigenous population entitled to assistance. The government also acknowledged the relationship of colonisation to the disadvantages suffered by Indigenous people in Tasmania.

By 1970, 20 Indigenous children were studying by scholarship on mainland Tasmania. While studying, they lived in accommodation approved by their families. The parents were, however, still concerned that the children might be removed permanently.

In 1973, the government established the Aboriginal Information Service (AIS). This service provided legal representation for Indigenous children and parents in neglect cases and juvenile justice matters. It went some way to reducing the number of removals occurring through child welfare and criminal laws. The AIS is now called the Tasmanian Aboriginal Legal Service.

In 1984, the Tasmanian Government adopted the Aboriginal Child Placement Principle. Under this Principle, an Indigenous family must be the preferred placement for an Indigenous child in need of alternative care. This is now incorporated into the activities of Tasmania's Social Welfare Department.

Links

- Frog and Toad's Indigenous Australia
<http://www.frogandtoad.com.au/aboriginies/land5.html>