Stolen or rescued?

Historical government perspectives on the removal of Indigenous children from their families

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June 2000

Annotated Chronology of Policy Developments by the Commonwealth Government or the Administration of the Northern Territory Relating to the Separation of Half-Caste Children from their Parents

1911-1964.

12 September 1911 The Acting Administrator wrote to the Minister for External Affairs that 'In my opinion one of the first works to be undertaken is to gather in all half-caste Children who are living with Aborigines... the future of the Children I think outweighs all other considerations.
The Commonwealth Government had taken control over the Northern Territory very recently, and had not yet appointed all its officials nor formulated final policy.
This appears to be one of the first mentions of the policy rationale of removing part-Aboriginal children (a) evidently because they were living with Aboriginals.

30 June 1913 In his Annual Report, Administrator Gilruth reported seeing, in the McDonnell Ranges, a large number of half-caste and quadroon children growing up without education or moral control. He commented 'I hope this may be early remedied'.
This is one of the earliest mentions in the Commonwealth records of (b) the 'moral' justification of the separation policy

1 July 1913 Draft Report on the Northern Territory by Baldwin Spencer (p. 21). 'No half-caste should be allowed to remain in any native camp, but they should all be withdrawn and placed on stations.'
Spencer did not require a state of neglect by which the children's removal could be initiated. It indicates that the need for such a policy was seen to be self-evident by the Administration.

1 August 1922 A Report by Administrator Urquhart on the 'Half-caste Problem'. Urquhart presented two possible destinations for half-caste children, either as a 'helot class' which would in time disappear [he did not say how], or they could be 'absorbed' into the white population. He favoured the latter, in part because 'Half-castes here being more numerous in proportion to the white population than anywhere else, and moreover they are increasing in number while the white population, at any rate in the northern end of the Territory is diminishing'. Urquhart also noted the 'considerable demand' for girls from the Bungalow.
This appears to be the first official admission of the need to remove half-caste children on the basis (c) that they would form a special and potentially dangerous class.
(d) Though the need for a domestic labour force does not seem to have been the dominant policy motivation at any time in the Northern Territory, it is noteworthy that Urquhart saw a double purpose for the removal policy, neither of which related very closely to the children's welfare.
For justification (e), that conditions on the stations were inhumane for half-caste children, see 2 April 1955

8 February 1929 Chief Protector (Qld) Bleakley presented his Report and Recommendations on the Administration of Aborigines in the Northern Territory. Among his key

recommendations (p. 4) was that 'illegitimate half-caste children' should be placed into Industrial Mission Homes, rather than in the half-caste Homes maintained by the government.
Naturally almost all half-caste children were by definition illegitimate, since under the Ordinance, White men and Aboriginal women were not permitted to cohabit. This Recommendation therefore affected the great majority of half-caste children.
Bleakley's recommendation followed well-established practice in Queensland.

11 June 1929 In a long discussion of the Report, (p. 4) Chief Protector (NT) Cook rejected this Recommendation, emphasising the need for such children to be kept separated from darker-skinned children. Concerning fairer half-caste children, he wrote:
Employment should be found for them where they will not come into contact with aboriginal or aboriginal half-castes'. Policy was to 'save the half-caste from further dilution... Considerable care has been exercised in the raising of quadroons with a view to their future availability in the total breeding out of colour.
The Department of the Interior accepted Cook's Recommendation.
A half-caste (p. 7) was defined to include 'any person one of whose parents is a half-caste' , while an aboriginal was defined to include 'any half-caste who lives with an aboriginal'.
This document clearly sets out Dr Cook's endorsement and then current practice of biological over cultural assimilation. A section of the Report on p. 9 is headed 'Checking the breeding of half-castes'. There does not appear to be, in the records, specific approval for Cook's policy of 'raising quadroons with a view to their future availability in the total breeding out of colour'.

30 July probably 1930 The Prime Minister affirmed to the Secretary of the Department of Home Affairs, that 'Half-castes are collected into special Homes where education is imparted by trained teachers'.
These two documents together confirm the policy of removing children at this time irrespective of their personal circumstances. This statement predates the formal approval of 1932 found by Director Moy after his reported search for earlier approval of the separation policy; see below, 20 March 1950.

23 July 1932 Doc 2282 Chief Protector Cook advised the Administrator that work for 'half-caste apprentices on pastoral station would amount to slavery'. The wages of apprentices, on the other hand, should be no more than that payable to a white worker.
Cook estimated, on the basis on census figures, that the White population was decreasing by 1% p.a., while that of the half-caste was increasing by 2%. He presented the alternatives to allowing half-castes to 'multiply', thereby providing 'a profitable field for revolutionary agitators', or to treat the half-caste as a white. In practice this meant, he argued, removing the boys to 'centres of denser white population', and 'elevating' the girls sufficiently to be attractive as marriage partners to white settlers.
This is one of the earlier references in the Records to Cook's continued emphasis on the threat to white society by half-castes 'multiplying', and hence a strengthening imperative of the separation policy. This justification of the separation policy was not, however, of Cook's invention. [see above, 22 August 1922]

21 October 1932 Responding to a newspaper article in 21 October 1932 about the 'blackbirding' (or unwarranted seizure) of half-caste children, Minister for Interior Perkins stated 'that it had been the practice for a number of years for the Chief Protector of Aborigines in the Northern Territory to remove half-caste children from Aboriginal mothers and take them to the half-caste home in Darwin and Alice Springs'.
The use of the word 'practice' is relevant to the queries [see below 28 February 1952] as to whether the 'practice' had ever been formally sanctioned as Policy by a relevant Minister of the Crown.
26 October 1932 The Administrator replied, in reference to the above, that 'Present policy [was to] try and raise half-castes to white standard which impossible if allowed to remain in blacks camp'. The children were to be there till two years of age, and 'thereafter for obvious reasons removed from blacks camp as soon as possible'.

The 'obvious reasons' were presumably those noted above (a) to (d) of the perceived need for biological assimilation adverted to in the exchanges over the Bleakley Recommendations; see above, 11 June 1929
The exchange illustrates the Commonwealth's propensity publicly to defend the separation policy as of educational benefit to the children.

10 November 1932 Chief Protector Cook in a Statement on Half-caste Policy, affirmed that all half-caste children of school age or younger, but not younger than two years of age, 'not otherwise satisfactorily provided for' are to be sent to the institution.
This appears to be the first official concession that not all half-caste children necessarily were to be removed. However, the statement should be seen in the light of contemporary criticism of the practice of removing children, as should the fact that the statement was for public information. [see also below 20 November 1934]

21 November 1932 The *Northern Standard* commented, 'A good number of local officials condemn the policy of tearing these children away from their parents and home life on stations, a practice prevalent for years past'.

18 February 1933 Cook further advised the Administrator that the pastoral industry was the only possible employer and trainer of half-caste males except in Darwin. He Recommended that in Darwin, however, half-caste 'girls' could undertake laundry work to undercut the Chinese laundries, while men could be directed to firewood and sanitary duties.
There is no evidence that these suggestions were carried out.

27 February 1933 Commenting on Cook's Proposals, J. Carrodus, for the Secretary of the Department of the Interior, informed the Acting Secretary of the Department of Prime Minister that 'Every endeavour is being made to breed-out colour by elevating female half-castes to white standard with a view to their absorption by mating into the white population'.
Carrodus however confirmed and evidently approved of the policy of attempting to remove all children, regardless of their personal circumstances.

27 June 1933. Cook Recommended to the Administrator that half-caste girls only be allowed to marry white men.

3 November 1933 Department of Interior Secretary Brown deemed the proposal 'unwise', and improper unless it applied equally to males.
The exchange illustrates how far Chief Protector Cook was prepared to advance his proposed policy of biological assimilation.

c. January 1933 Commonwealth policy was stated to be, in respect of Aboriginals,

- to preserve the Aboriginal race
- to ensure that nomadic tribes have adequate land
- to ensure the employee derives sufficient remuneration and other benefits
- to protect women from moral abuse
- to ensure the indigent are supplied with necessaries
- to protect those near 'civilisation' from abuse
- to preserve health
- to protect from exploitation
- to protect from exploitation
- marriage: (p. 12) 'Half-caste girls are encouraged to marry whites approved by the Chief Protector.'

- children: (pp. 12-13) Half-caste girls are 'brought into the homes as soon as possible after reaching an age where they can be separated from their native mothers'.

The document provides a summary of the Aboriginals Ordinance 1918-1933. Relevant points include
(4) The Chief Protector may at any time undertake the care, custody and control of any aboriginal or half-caste, if, in his opinion, it is necessary or desirable in the interests of the aboriginal or half-caste to do so.
...The Chief Protector is the legal guardian of every aboriginal and every half-caste child until the child reaches 18 years of age.
There appears to be a marked contrast between the emphasis on the welfare of the Aboriginal child in the legislation, the public documents and statements, and the lack of such emphasis in the departmental documents.

20 November 1934 Carrodus, reporting on policy commented, 'It is the policy of the Administration to collect all [my italics] half-castes from the native camps at an early age and transfer them to the Government institutions at Darwin and Alice Springs. He continued that 'it would be a boon to the women of the Territory, if they could apply for and obtain fully trained half-caste domestics whenever required.
Carrodus's draft report on the Northern Territory included the statement of policy, (point 179) 'It is the policy of the Administration to collect all half-castes from the native camps at an early age and transfer them to the Government Institutions at Darwin and Alice Springs.'
Carrodus' suggestion may be considered as a response to such contemporary criticism, such as that below, 21 November 1932.

23 April 1937 The Initial Conference of Commonwealth and State Aboriginal Authorities Resolved that
this Conference believes that the destiny of the natives of aboriginal origin, but not of the full blood, lies in their ultimate absorption by the people of the Commonwealth, and it therefore recommends that all efforts be directed to that end.
While the Resolution merely endorsed the policies which the states and Commonwealth had pursued for some time, the Conference was significant in further endorsing the policy which remained in force until 1951.

? March 1940 Chinnery, in his 'Notes on Organisation of Native Affairs, recommended (p. 32) that the Missions should be offered subsidies to 'take over the future training of part-aboriginal children' in remote areas.
This was approved in December 1946; see Doc. 2434

25 August 1943 Chinnery informed the Administrator that evacuations of Aboriginal children were continuing to several Institutions in southern Australia.
The issue of whether children, as opposed to the community, benefited by removal to areas far from their communities remained a divisive one for many years. The Northern Territory Administration endorsed the policy during the 1950s both for private homes and for institutions, but numbers of removal remained low.

1945 The Manga-Manda settlement at Phillip Creek was established as an interim ration depot for Aboriginals displaced from their traditional lands following the discovery of gold in the Tennant Creek region. Ms Patricia Davison, the author of a 1979 paper on the subject, estimated that 19 part-Aboriginal children were removed from their parents at Phillip Creek. 'Their loss was greatly mourned by their kin who, to the present, talk sadly of their "lost" children and siblings.'

23 October 1945 C. Greenridge of the Anti Slavery and Aborigines Protection Society, wrote to the Minister for the Interior concerning whether the legal power to remove half-caste

children was vested in law in the executive Officers, such as police officers. He recommended that a Judicial Hearing should be necessary before a committal. Administrator Abbott commented that in his experience, action had only been taken when the child's life was at stake. He did 'not know of any children at present who had been removed'.
The ignorance of the Administrator in this matter was remarkable. For example, 42 children were removed in the two years 1949-51 (Doc 859), and hundreds of children living in mission institutions evacuated south during the war

12 February 1946 The Commonwealth Adviser on Native Affairs commented that children should not be removed against the wishes of their parents, notwithstanding Regulation 6 of the Aboriginals Ordinance, except by a Court order, or if a Court was not practicable, by such order 'after consideration of all the circumstances and discussion with the parents or native guardians of the children concerned'.
The alternatives here provided, either of obtaining parental permission - or obtaining a Court Order following detailed discussion with parents, without necessary assent - did not in fact lead to a new policy Directive based on this advice. The written assent of the Director of Native Affairs in fact acted as a substitute for a Court Order.

18 February 1946 The Administrator confirmed to the Secretary, Department of the Interior, that certain executive officers might carry out removals, including Protectors; but that, in his my opinion, there was a case for a judicial hearing, or at the least, the approval of the Department of Welfare. Similar powers to the Northern Territory Officials were said to already exist in Queensland, Western Australia and NSW.

20 May 1946 Acting Prime Minister Forde endorsed this proposal and wrote to the Premiers to ascertain their policy.

11 June 1946 Victorian Premier Cain stated that in his State a judicial hearing was necessary prior to committal.

11 June 1946, Western Australian Premier Wise stated that only that State's Commissioner of Native Affairs could commit a child.
The Premier of NSW stated that committals of Aboriginal children could only be carried out by a Magistrate.

4 July 1946 Premier of South Australia Playford stated that his State's legislation was similar to that of the Northern Territory, but that parental permission was necessary also.
Several interesting points emerge from this exchange between the Commonwealth and the States regarding the status of Executive Officers in removals. The first was that the Commonwealth had not found it necessary to try to match the legislation of the states in this matter,until this time; second the alacrity of the states in responding to the Prime Minister's enquiries suggest that the matter was of some sensitivity. Thirdly it was discovered through this enquiry that the Commonwealth policy allowed the most latitude regarding removal and committal by Executive Officers than any of the States. The nearest State legislation to Commonwealth Policy was that of South Australia, which required parental permission.
The result of the enquiry eventually was the reformulation of the Ordinance such that committals could take place only under the Signature of the Director of Aboriginal Welfare. This remained substantially closer to the executive branch of government than the 'best practice' (ie judicial hearing) eenacted at this time by Victoria and New South Wales.
These exchanges took place despite the resolutions and attempted co-ordination of Aboriginal policy between the States and the Commonwealth, see above, 23 April 1937.

6 April 1949 Memorandum for Secretary, Department of External Affairs, from the acting Secretary, Attorney-General's Department, regarding Australia's signature to the UN Convention on Genocide (March-Ap. 49).
The Acting Secretary assured the Department of External Affairs that children were legally protected in several ways through laws prohibiting forcible transferring, false imprisonment and enforced segregation.
This exchange demonstrates that laws regarding the removal of Aboriginal children, especially through executive action (see above) were not seen to impinge in any way upon the UN Convention. Doubts outside the government and the administration continued to be raised, however, as the following exchange demonstrates:

6 July 1949 NT Administrator Driver wrote to the Acting Secretary Dept of Interior, concerning an enquiry from the United Nations Association of Australia. The Administrator conceded (p. 4) that there were certain restrictions which must remain imposed on Aborigines even though they were 'at variance with the complete ideals of the Universal Declaration of Human Rights.'
Regarding specifically the removal of Aboriginal children, the Administrator replied that Critics choose to disregard that the illegitimate child in a native camp is the result of an illegal liaison between a despicable white man and a native woman. The presence of such children is decried, though a benevolent Government, acting entirely in the interests of the individual, is criticised severely when the child is removed for upbringing and education.
The somewhat intemperate language of the Administrator suggests first that an opportunity had been missed by the Administration to reconsider its policies in the light of international criticism; second that an Aboriginal child was 'illegitimate' only because, in some cases, it had been decreed so by Ordinance, ie by internal legislation. Thirdly the emphasis on removal 'entirely in the interests of the individual' is not entirely compatible with the above internal memoranda, in which the interests of the child are sometimes not mentioned.

1 September 1949 F.H. Moy in the Annual Report 1948-9 stated that when 'an opportunity [was] offered, coloured children from full-blood camps were removed to institutions'.
Since little in the records suggests an on-the-ground policy change, the cautious use of language by Moy suggests that the issue of separated children was affecting officials in Darwin as well as Canberra.

23 December 1949 Patrol Officer Evans reported 'distressing scenes' when Aboriginal children were removed from their mothers by aeroplane; he also referred to children being 'away' with their mother, or hidden by them, at times when he was expected to call.
This report indicated what might, to the impartial observer, have been obvious, that Aboriginal mothers were often deeply opposed to the removal of their half-caste children.
This Report initiated a discussion about the methods of and criteria for removal until the drafting of the Wards Ordinance

1 February 1950 Director Lambert's 'Factual and Analytical Statement' of Policy (p. 6) distinguished half-caste children born in wedlock, and those born to an Aboriginal mother and a white father. No institutional destination was stated for the latter beyond that they were the 'responsibility of the Administration'.

7 February 1950 Director of Native Welfare Lambert, commenting on a statement by the Administrator, queried whether training half-caste children on the islands was good policy. He recommended the creation of a half-caste Home in Darwin, on the principle that the children should grow up 'in close contact with the whites in the community where they must eventually find their livelihood'.
This document is evidence of the growing disquiet that the Mission education, especially on the Islands, was not preparing children adequately for later life, and that the Government should take a greater responsibility for part-Aboriginal children.

20 March 1950 Director of Native Affairs Moy, in search of some Ministerial Directive approving the removal of half-caste children, informed the Administrator that the Welfare Ordinance 1918-1947 gave the Director the powers of removal under s 6 (1-3) and s.7 (1-2). He stated that the 1931 Commonwealth Government Policy in respect to North and Central Australia set down

- to collect half-castes and train them in institutions ...

half caste-girls are brought into the homes as soon as possible after reaching an age when they can be separated from their native mothers
He continued:

> *The above mentioned extracts are the only reference to an approved Government Policy in available relevant files....*

Prior to the Second World War half-castes were removed regularly whenever required and the removals occurred without incident.

3 September 1951 Doc 2475 The Minister for Territories stated that the new Commonwealth policy was:
...that assimilation is the objective of native welfare measures. Assimilation means, in practical terms, that in the course of time it is expected that all persons of Aboriginal blood or mixed blood in Australia will live like white Australians do...'
Assimilation was defined as follows:
Assimilation is the objective of native welfare measures. This means that the Aborigines and persons of mixed blood are expected eventually to attain the some manner of living and to the same privileges as White Australians and to live, if they choose to do so, as members of a single Australian community, observing the same customs and influenced by the same beliefs, hopes and loyalties as other Australians. ...
The policy of assimilation was based on the expectation that gradually the tribal structure will be weakened and will disappear and that gradually the Aborigines and persons of mixed blood will be drawn more closely into association with the white community.
[Summary provided by Director Giese, undated Doc 2475]

24 October 1951 In answer to criticism by Dr Charles Duguid, Director Moy stated that it had always been the policy of the Native Affairs Branch to remove part-aboriginal children from their native environment into institutions where they may receive education, vocational guidance and in general fit them for their absorption into the community on attaining adult age.
Patrol Officers, he went on, were from time to time requested to endeavour to remove certain part-aboriginal children. If at first a parent did not agree, the Officer returned later. The removal of such children was 'one of the more difficult tasks'.
Though Moy implied that the mother's permission was necessary, he did not actually state whether the mother's permission was ultimately necessary.
The basis for this Statement appears to be the Opinion of the Commonwealth Adviser, see above, 12 Feb. 1946

1 November 1951 Administrator Wise, in a Press statement in regard to the committal of half-caste children, stated that 'For many years it has been the practice to bring part-aboriginal children living under tribal and nomadic conditions to Darwin so that they may be cared for and educated at an appropriate establishment.'
This statement can be compared to that of Administrator Abbott regarding the number of part-Aboriginal children removed, see above 23 October 1945

5 November 1951 In a draft document, Administrator Wise noted the differences in committal procedures between White and Aboriginal children. Under the Aboriginal ordinance 1918-47, s 7(1) and (2), the Director of Native Affairs has a statutory power to

authorise the removal of half-caste children, while white children must be brought before a Childrens Court.
The document illustrates that administrators were beginning to consider the implications of the projected new legislation, by which most-part Aboriginal people were to be declared non-Wards. The issue had not been resolved at the time the Welfare Ordinance was enacted.

23 November 1951 Minister Hasluck in reply to an enquiry from the Council for the Status Of Women, (Australian Association for the United Nations) wrote that
For many years past, under successive governments, the policy has been that, where half-caste children are found living in camps of full-blood natives, they should, if possible, be removed to better care so that they may have a better opportunity for education. The theory behind this policy is that, if the half-caste child remains with the bush tribe, he will grow up to have neither the full satisfaction in life which the tribal native has nor the opportunity to advance to any other status.
Forty two children had been removed in the previous two years.
This statement is one of the earliest Policy Statements on the subject by Hasluck. His justification was that much favoured and publicised by Professor Elkin, Professor of Anthropology at the University of Sydney at this time.
Hasluck's statement implied that full-blood children, by contrast, would be able to enjoy the 'full satisfaction' of the life of the tribal native. This was in accordance with the thinking implied in the Resolution [see above, 23 April 1937] that full-descent Aborigines might live together on reserves without 'absorption' into the general community
Hasluck did not posit that the half-caste' child had to be neglected, merely that he or she could be offered 'better' care.

19 December 1951 Administrator Wise in information for the Secretary, Department of Territories, considered that a 'definite policy' be established re removal of half-caste children.

December 1951 In undated correspondence with the Secretary, Department of Territories, Acting Administrator Leydin justified the removal of part-Aboriginal children by the following:

- On adolescence, part-coloured persons showed a tendency to break away, but were by then difficult to educate
- He was said to be the cause of constant trouble in the native camp
- He was destined, unless removed, to be acceptable to neither black nor white
- The policy, therefore (p. 4) 'was in the best interests of the white and black communities'.
- Leydin recommended that the children should continue to be removed, if the Director of Welfare thought it necessary, under the following conditions:
- The written approval of the Director of Native Affairs
- Proper delegations should be issued to the relevant removing Officer
- No child to be removed of less than 4 years of age except under special circumstances
- No child to be removed (p. 7) 'until the Director is satisfied that a painstaking attempt has been made to explain to the mother the advantages to be gained by the removal of the child'.
- The mother to be permitted to accompany the child
- Aircraft not to be used
- Medical examination
- A report to be provided annually by the Director showing the names and ages of removed children, the institution and the general progress of the child.

It may be noted that the mother's permission is not mandatory under these Recommendations, merely that a painstaking explanation be made to her.

28 February 1952 The Administrator informed the Secretary, Department of Territories, and in response to a query, that no ministerial approval could be found of the policy of removing part-Aboriginal children. He noted that 'it was the practice, prior to the war, to remove part-aboriginal children from the aboriginal camps to places where they could be fed, clothed, taught and otherwise cared for.' The Chief Protector, he went on, referred to the practice in 1929-30, 31-2 and 33-4, so 'no doubt this policy received Ministerial approval many years ago'.
The continuing unease at what appeared to be a lacuna in Ministerial approval for the policy had been expressed for two years; see above, 20 March 1950
The Administrator reminded the Secretary that the matter had first come to his notice in January 1950:
I suggested then that it was most important to have the approval of the Minister of a clear definition of policy on this important matter. No such approval could at that time be granted, nor, so far as I know, can it now.
The rather ad hoc nature of Northern Territory administration is again underlined, whereby, as noted above, it had been possible for a police officer, in the capacity of Assistant Protector of Aborigines, to remove a half-caste child on his own volition in self-evident confidence that his judgement would not be challenged in law.
Removals in practice:
The same document stated that (p. 5)
'The partly coloured person who remains in a native camp is said to be the cause of constant trouble'.
Even though the Administrator conceded that strong affection existed between mother and child, this tended to weaken as the child grew, and that therefore it seems clear that partly coloured children should continue to be removed...
When a partly coloured child is found in a native camp, a Patrol Officer is directed to prepare the mother for eventual separation.
It is not entirely clear what 'prepare the mother' actually meant, but it implied compulsion. The Recommendation that the mother's written or spoken permission to remove the child was not, in the last resort, necessary, continued to underwrite the separation policy until 1959. The problem, evidently not yet foreseen, was that if the mother withheld permission, then the child in order to be removed under the projected legislation might have to be declared (or at the least, considered to be) 'neglected'.
The implication of this anomaly ran in two directions:

(a) *towards full descent children. If a part-Aboriginal child was to be removed through 'neglect', why were not the full-descent children of the same community, perhaps of the same family, neglected' also?*
(b) *towards White children. A problem for the government might arise if it became known that most of the non-wards separated for 'neglect' were in fact part-Aboriginal rather than the White children who by now out-numbered part-Aboriginal children .*

17 April 1952 In a memorandum Secretary Lambert recommended to the Administrator that the legislation currently under revision should not specify any minimum age at which a half-caste child could be removed because 'The younger the child is at the time of removal the better for the child.'

1 May 1952 Director Moy issued an approved policy statement re removal of half-caste children. This differed from the Recommendations of December 1951 (see above), in that
(d) No child shall be removed except where the child is neglected or in need of medical care or the mother expressly requests the removal.
The significant changes from the draft Recommendations were that
The child could be of any age (not over 4)

The child now had to be neglected, not merely 'in its interests to be separated'
However, the mother's permission was still not held to be necessary, merely the exercise of painstaking efforts to enable her to see the advantages of separation.
The Statement illustrates further the difficulties raised on 5 November 1951; see also below 2 December 1952

17 August 1953. Acting Director of Native Affairs McCaffery informed the Administrator that 135 children under 18 were living in institutions, but not been formally committed. He referred to the problem that 'To check all available personal records, such as they are, of these half-castes would be a considerable undertaking...'
Both the figures and the phrase 'such as they are' reinforce the impression of the somewhat ad hoc style of Northern Territory administration until at least this time.
The information reveals that the Administration was still engaged in considering the implications of the new legislation, by which most part-Aboriginal children were to become legally indistinguishable from the White population. Yet as documents show, there remained a clear desire among senior officials that part-Aboriginal should continue to be removed <u>because</u> they were part-Aboriginal.

23 September 1953 Minister Hasluck stated in a Press Statement (p. 3) that the alternative to removal was that the children would become 'a separate and depressed caste in the community, living at a lower standard than the rest'. By separate education they could be fitted to become members of the major society, 'valued for their own merit'.
In this subtle but significant shift, Hasluck abandoned the Elkin view of children 'between two worlds' (see above 23 November 1951), and returned to the 1922 Urquhart view of the 'helot class' (see above, August 1922).

3 December 1953, Signed for the Acting Director of Native Affairs, 'The purpose of the action [of removal] taken is to serve the interests of the children and to give them the chance of living at a better standard of life'.
This statement, which illustrates confusion over the alleged necessity of the separation policy, may be contrasted with that of Leydin, December 1951: [see above]
The Separation policy, therefore (p. 4) 'was in the best interests of the white and black communities'.

3 February 1954 In an important Statement, Acting Director of Native Welfare McCaffery explained 'Coloured Children - Policy:
The following children remain under the control of Native Affairs Branch and subject to the Aboriginal Ordinance 1918-1953:

- Children committed to a reserve under 18 years
- Declared under s. 3 (d) of the Aboriginal Ordinance
- Children who live after the manner of, follow and adhere to or adopt the customs of aboriginal natives of Australia and at least one of whose ancestors was an aboriginal native of Australia.
- The normal procedure, he explained was to remove coloured children from their native environment and place them in an Institution when they are of school-going or even at a later age.
- 'Half-caste' children might be removed, following or in anticipation of the written approval of Director of Native Affairs, by criteria including:
- 'Partly coloured children found in aboriginal camps or a similar environment may be removed if the Director of Native Affairs thinks it necessary in the interests of the children, to a suitable institution.
- (4) No child shall be removed except where the child is neglected or is in need of medical care or the mother expressly requests the removal....

The above mentioned clauses, he went on, were in accordance with Government policy, and, in the application of that policy, while every care is taken to respect maternal feelings, the interests of the children were to be paramount.

The connection to, or difference between, criteria (1) and (4) was not further developed. This, and the fact that by implication the mother's permission was not necessary, indicates that confusion still existed despite lengthy discussions since at least 5 November 1951

27 May 1954 Patrol Officer Ryan wrote to District Superintendent, Native Affairs Darwin in connection with a half-caste girl whom he proposed to remove:
Without exerting a certain amount of pressure, I do not anticipate getting the parent's permission to remove the half-caste girl at Elsey Station. However, if she is not moved within a couple of years she will be married to an aboriginal. The objection to the latter is mostly one of appearance. Even a person completely devoid of colour prejudice must deplore the sight of a white woman (and half-caste girls look very fair when in a native camp) living with a group of black people.
The letter suggests that the stated criterion for removal (1) above (3 Feb. 1954) - that is, the apparent interest of the child - could be interpreted very loosely.
In this case, the Patrol Officer wished to remove the girl because her appearance beside the man she was to marry would be 'deplorable'. His position seems similar to the justification (a) of the separation policy expressed in September 1911 [see above]
For the Reply to this letter, see below, 29 June 1954

23 June 1954 District Superintendent (Darwin) G. Sweeney, writing to the Acting Director of Native Affairs admitted that the policy of allowing the church institutions to raise half-caste children had serious problems:
Many of the coloured people grew up in institutions which owing to isolation, staffing difficulties, lack of finance and amenities, did not afford a good preparation for life in our Australian community. ... Schools on institutions rarely went above primary standard and no technical or home training was available. ... The majority of the present generation of half-caste males from Homes and Institutions, as a result of lack of education and special training...will take their place in the unskilled labour ranks of the Territory.
The criticism of the raising of children in Missions, not only concerned with unsuitable staff or children leaving the Homes unprepared for life outside, now extended to the long term consequences.

29 June 1954, The Acting Director of Northern Australia, in reply to the letter of 27 May [see above] reiterated official policy, including Item 3, that
the child's mother in each case should be interviewed at length to ascertain her future wishes regarding the child, and on all occasions it is necessary that you impress on the mother the benefits to be derived by the child by having him placed in an Aboriginal institution, where he will receive education and every care.
...I think I have stated the position clearly and now require that you take action in accordance with the requirements as it is desired to have the children mentioned either removed to an institution or removed to some area or residence where they will receive adequate care and education.
It is possible to see in this document the very broad definition attached to the meaning of 'neglected', or 'best interest', so wide as to include almost everyone whom the Administrator or his Officers wished to remove. The lack of necessity to obtain the approval of the mother is especially relevant in such cases.
It is not immediately clear how either the interests of the child herself, or of the black or white communities, were served by the exercise of this Directive. Conversely, the exchange indicates the strong continuing desire of the Administration to remove part-Aboriginal children despite the legislation constraining it from doing so

c. March 1955 Director Giese described the 'integral components' of Aboriginal 'primitive social order' as 'ritual murders, infanticide, ceremonial wife exchange, polygamy'.

? 1955 An unknown official in an article 'The Welfare Policy' stated (p.3) that perhaps

the most positive step...has been the decision that, where practicable, children of mixed blood should be removed from the Northern Territory environment and given a chance to develop quite normally in a community which is conscious of no colour problem'.
The Government was impelled to admit (p. 4) that 'the best efforts which have been made on behalf of these people within the Northern Territory itself have so far not been successful'. - because 'rapid deterioration' followed after the children left the institutions.
The author was another official to endorse the growing but untested assertion that the reasons for the alleged deterioration of part-Aboriginal people after leaving the Mission institutions was the fault of the Missions themselves

2 April 1955 A conference of Mission Bodies Resolved that
The present policy of removing half-caste children from their tribal surroundings on pastoral properties and mining centres is sound, and should continue only until conditions on the properties and centres make it humane to leave the children in the place of their birth.
Other resolutions included the need for Homes in the Northern Territory to continue 'as a first stage in a plan of absorption' and the development of a scheme to disperse part-Aboriginal children in southern Australia.
The Resolution was noteworthy in using the language of the 1937 Australian wide conference (involving the concept of 'absorption') despite criticism by such bodies as the United Nations Association of Australia, of the cruelty of the separation policy.
The justification that conditions on mission stations were inhumane for part-Aboriginal children may be enlisted as justification (e) [see above, 1August 1922]. The Conference did not discuss whether conditions were equally inhumane for full-descent children.

30 June 1953 to 30 June 1955 Government Policy (p. 34) was stated, in the Annual Report for the period, to be as follows:

- carefully selected [half-caste] children should be accommodated in a wide variety of institutions, including boarding schools and other educational institutions in the States of the Commonwealth.
- Attempts would be made to place all, or most, in foster homes 'to give them opportunities which would not be available to them in the Northern Territory'.

Twenty-three 'part-coloured' children were reported (p. 33) to have been charged before the State Childrens Council

14 September 1956 Giese asked the Crown Law Office if and how a part Aboriginal child could be declared a Ward if the mother is full blood, under s. 3 (a) of the Aboriginal Ordinance.
This appears to be a continuation of the long discussion of how, in effect, the practice of separating part Aboriginal children might continue while still remaining consistent with the assimilation policy. It reinforces the impression that several years of debate had not yet provided an answer. Although charges of neglect continued to be brought against part-Aboriginal children, presumably a child could not be committed on the grounds, for example, that in two years she was to marry a man of very dark skin colouring [see above, 27 May 1954]. The obtaining of the mother's assent was thus more critical legally after the enactment of the 1953 legislation.

28 September 1956 The Crown Law Officer responded to the above, that notwithstanding [certain sub sections] 'a person who is under the age of 18 years and whose mother is a ward may be declared to be a ward'.
In effect the Administration was relying on the earliest Aboriginal Ordinance definition of 'half-caste', that is, an Aboriginal was any Aboriginal native of Australia or half-caste who associated with them, or a half-caste of less than 18 years.
This Opinion, however, did not fully satisfy the concerns of the Administration [see below, 3 March 1958].

1 April 1957 In answer to a question to the Minister in parliament, information was supplied to the Minister that removals of 'Aboriginal' children were as follows

1950	18
1951	9
1952	5
1953	7
1954	3
1955	1
1956	3

All had been removed with the consent of the mother, and in no case was the paternity known. Mothers might visit their children at government expense but 'this offer is not availed of greatly'.

The teleprinter message also asked for information concerning removals of mixed blood children.
This question was not answered, however, either in the information supplied nor by the Minister to Parliament
The exchange of 29 June 1954 [see above] throws doubt upon the claim that all mothers had agreed to the separation.
Throughout the decade the numbers of children at the Institutions like the Retta Dixon Home and St Mary's remained near their maximum. [see below, 30 June 1957]. It can be inferred that a good proportion were separations effected on pastoral camps and around towns rather than only children coming from Island missions.
It is therefore probable that the number of part-Aboriginal children removed (though not necessarily committed) remained much higher than the figures expressed or implied here. For example, in the period June 1953 - June 1955, [see above] 23 part-Aboriginal children are shown to have been charged before the State Childrens Council.

20 April 1959 A Conference of District Welfare Officers Resolved that (p. 14) that the use of Elders as a disciplinary measure on juvenile Aboriginal offenders should be used with 'considerable caution...[because] the use of Elders could adversely affect the disposition of the younger and middle aged group to our policy of assimilation.
The Resolution casts doubt on the frequently stated principle that assimilation was a voluntary process towards which people should proceed at their own pace, and that the process should not be hurried.
The same Conference considered (Resolution 13) that the meaning of 'neglected' should be defined to differentiate between Aboriginal, part-Aboriginal and White children:
If we charge part-Aboriginal children living with their Aboriginal mothers in a Native Camp with being neglected children, we should, to be consistent, charge their full-blood brothers and sisters on the same count.
The rationale of this resolution was that:

1. Factors were present likely to prevent 'part-coloured children from effecting a satisfactory adjustment in an Aboriginal group and to make them problems to themselves and to others'.
2. Employers preferred part-Aboriginal to Aboriginal labour; therefore the child could or should be sent to a settlement, mission or pastoral property school
3. There would, therefore, be cases where there would be considerable value in 'getting mothers to release their part-coloured children to attend school'. Patrol officers recommending the action would have to be satisfied that the child has good prospects or being better off by way of emotional stability... before strong pressures are brought to bear on the parent to release the child.

This discussion illustrates the difficulties of continuing the practice of the removal of many part-Aboriginal children - clearly still an objective of the Aboriginal administration - while it was apparently constrained from so doing by legislation which did not specifically refer to part-Aboriginal children.
Patrol officers were to ensure that the children returned home for the long vacation.

30 June 1959 The Annual Report of the Welfare Branch stated that the Child Welfare Ordinance (operating from February 1959) (p. 31) made provision for dealing with complaints concerning destitute, neglected, incorrigible and uncontrollable children. Section 17 stated that
The Director may take a Ward into custody or order that the Ward be removed and/or kept within a reserve or institution.
The 'grey area' remained that the available legislation did not make it precise that a part-Aboriginal child could be separated on the basis alone that the child was part-Aboriginal and in need of education
It should be noted that it was possible also to hold a child for up to 18 months at least, without committal: see below, point (e), 23 June 1961.

25 August 1959 Advice to Patrol Officers:
Tests to be applied in considering whether or not a part-Aboriginal child should be taken from an aboriginal mother on a settlement or pastoral property, included whether, in his opinion, whether the child was accepted, and whether he/she thought herself different;
Under the heading Total Life Adjustment was the question
Having considered all points separately, is the child likely to live a more contented, happy and fuller life, if removal occurs, than if he is left where he is?
This appears to be the first thoroughgoing and detailed re-consideration of the criteria for removal since 1952 [see above, 1 May 1952]

? 1961 Doc 1745 Director Giese undertook to Bishop O'Loughlin, in connection with the transfer of part-Aboriginal children to southern states, that his Department would subsidise their stay at 300 pounds per annum; but arrangements for holiday return would remain with the institutions; further, it might not be possible to inspect the potential foster home or institution.
The division of expenditures illustrates that return to the home environment was considered a lower priority than maintenance of children at a distant location.

23 June 1961 Correspondence between Administrator Nott and the Secretary, Department of Territories attempted to make clearer the issues raised on 30 June 1959, and earlier. The Administrator stated that children for whom the State was financially responsible included (e) Part Aboriginal children whose mothers were living under 'such conditions that it is desired to remove them', including finance, health and family stability. **A child could be held at a hostel for up to 18 months without committal.**

24 January 1962 The Department of Interior in a Memorandum reiterated to all Australian foreign embassies that the administration of the assimilation policy was 'social rather than racial', and that 'only possible future' for Aborigines was to be merged with the rest of the population'.

30 June 1961-62 Doc 2510 The Annual Report (p. 53)stated that children in the institutions were:

- placed by their parents 'for various reasons'; or were
- children of Aboriginal mothers and unknown non-Aboriginal fathers who had been, with the mothers' consent, transferred from Aboriginal camps throughout the Territory'.

57 children were in residence at Retta Dixon and 66 were in St Mary's.