Aboriginal and Torres Strait Islander Education

An Introduction for the Teaching Profession

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Chapter 2

The Stolen Generations: What does this mean for Aboriginal and Torres Strait Islander children and young people today?

John Williams-Mozley

A personal reflection on 'identity' and forcible removal

The National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from Their Families was an important and earnest attempt to provide the Australian community with the facts as they relate to the extent and nature of this country's assimilation policies. And even though the impact of the Inquiry's findings has led all state and territory parliaments to express such practices as abhorrent, determining that they will not happen in their respective jurisdictions, there is still a prevailing attitude in the broader community that what was done, was done 'with the best intentions' and 'in the best interests of the child'. I would like to suggest an alternative perspective that may better explain the actions of early twentieth century politicians, pastoralists and developers.

Since 1788, the concept of *terra nullius,* or empty land, has been used by Australian courts to exclude the suggestion of Aboriginal prior ownership or occupancy of this land. As early as the 1890s, governments, churches and pastoralists were thinking about what to do with the growing so called 'half-caste' population. In their views, traditional Aboriginal people were to be left to die out naturally, hence, the protection era of the early 1900s where governments did what they could 'to smooth the dying pillow' of the traditional Aborigine. If traditional Aborigines died out, then the questions of land ownership, land use and just compensation no longer posed significant problems. However, the so-called 'half-caste' population was altogether a different proposition. As long as they continued to live with their Aboriginal families, then they would have legitimate claims to the families' traditional land.

I would offer that the separation of Aboriginal children, first from their family, then from their land, was a further attempt to limit the number of Aboriginal people who would legally be defined as traditional owners. Given that Aboriginal cultures are predicated on affiliation with land, and that land is determined by family kinship arrangements, if family is removed, then affiliation to land becomes almost impossible to substantiate. This is the current situation for many Aboriginal people who were forcibly removed under assimilation policies. Even though the 1992 Mabo High Court judgement has now put to rest the legal fiction of *terra nullius*, Australian common law maintains that Aboriginal claims to land must demonstrate either a traditional or historical connection to the area. The same applies to land claimed under state-based land rights legislation or Native Title legislation.

The story of forced removal within my family began in 1946 when my mother was removed. It is in my memory, my brothers' and sisters' memories and that of my niece and nephews who were also removed. They are not historic, distant or remote memories. We cannot consign them to the past like some people would prefer us do. They are lived and re-lived every day of our lives. Nor are they isolated incidents or the aberrations of a few. My family's story is a familiar and common one within the broader Indigenous

community. However, like so many aspects of Aboriginal Australia, our stories have been hidden or excluded from public view for so long.

My natural mother was the eldest of six brothers and sisters. Like so many other Aboriginal kids, her birth was never registered. All that is known is that she was born at Alice Springs on or about 28 December 1933. Her mother was Ruby Foster and her father was Elias Jack Williams. Jack was a Western Arrernte man who lived on his country at Hermannsburg, a former Lutheran Church Mission approximately 130 kilometres west of Alice Springs. Hermannsburg Mission was established in 1877 in the traditional land of the Western Arrernte. Over time, Luritja and Pintubi people were brought into the Mission as the civilising mission spread further and further into the Central Desert area. Hermannsburg was handed back to its traditional owners and custodians by the Church in 1982 and is now called by its Arrernte name: Ntaria.

My grandfather, Jack, as he was called, was the son of Johannes Ntjalka and Maria Kngarra. While Jack claimed my mother as his daughter, he was not her biological father; that was a white man whose name is not mentioned by the old people at Hermannsburg. This was the way things were.

While her brothers and sisters grew up together at Hermannsburg, my mother was raised in Alice Springs by a Northern Territory policeman. He was a white man named Bob Hamilton and although he was not my mother's father, he 'grew her up' from when she was a toddler. I would have liked to have met him but he died in 1963, long before I even knew his name. Despite being an officer himself, Bob could not stop the police or the Native Welfare Board from taking my mother.

My mother was thirteen when she was removed from her Western Arrernte family, and transported 2000 kilometres away to Mulgoa Mission, Warragamba, New South Wales to be trained as a domestic servant. The year was 1946, one year after the Second World War ended. During the Second World War, thousands of so-called 'half-caste' Aboriginal kids from the Northern Territory were taken from their families and placed in institutions in South Australia and New South Wales. Ostensibly, the Northern Territory Administration's removal and relocation of Aboriginal children was to protect them from the threats of war. The Administration claimed that Aboriginal children removed during the war would be returned to their families after hostilities had ceased. Of course, this official explanation does not explain why Aboriginal children were removed 20 years before the war and 30 years after it had finished. Nor does it explain why only 'half-caste' kids were considered in need of protection. So, like so many Aboriginal children before and after her, my mother was simply taken from her family one day and driven to a place called 'The Bungalow' at the old Telegraph Station at Alice Springs to await transportation to some unknown destination. Her removal was in the name of 'assimilation', and she would be educated and trained for a lifetime of domestic service.

However else it may be described, The Bungalow was a temporary staging area for the re-distribution of Aboriginal kids to all points north and south of Alice Springs. It had been built in 1933 and was one of several facilities used by the Commonwealth Government in its 'assimilation' program. Aboriginal children from the Northern Territory placed in other

institutions – such as Garden Point on Croker Island, or Khalin Compound and the Retta Dixon Home in Darwin – had a good chance of remaining somewhere within the Territory. This was the case with Mum's brothers and sisters who were taken away, one by one, and placed in various institutions in the Northern Territory. When they were old enough and no longer under the control of the Native Affairs Department, they all managed to return to Hermannsburg to live. But it was not the case with those kids taken to The Bungalow and then sent interstate.

After two years in the Church Mission Society home at Mulgoa, my mother was deemed sufficiently educated and trained to start employment as a domestic servant, despite being functionally illiterate. At the age of 15 she was placed into the custody and employ of the Matron at Normanhurst Private Hospital, Ashfield. Although my mother spent two years working at the Hospital, she apparently caused a great deal of anguish for Matron, who described my mother as 'a real problem, insolent, and difficult to handle'. This gave me great pleasure to read.

My mother was 17 years old when I was born at 'Hillcrest', a Salvation Army hospital at Merewether, near Newcastle. She named me Douglas Raymond Williams. When I was seven months old, the Aborigines Protection Board and the NSW Child Welfare Department placed me up for adoption. I was adopted into a non-Aboriginal family whose surname is Mozley. I was then renamed John William Mozley. This is the name that appears on my Birth Extract. The name Mary Williams does not appear. To all intents and purposes, according to the Birth Extract, I was born to the two non-Aboriginal people who adopted me. This was one of the more invidious and pernicious products of the assimilation policies: I and countless thousands of Aboriginal people who were removed will never be entitled to possess a Birth Certificate that acknowledges our natural birth parents.

After searching for twenty-odd years (Link-Up hadn't been established at this time), I finally located my mother. She was alive and living in Tennant Creek. When we met for the first time she told me that she never stopped believing I was alive, and that we would meet one day. Even after finding my mother, my brothers and sisters, and becoming a registered traditional owner of our country in Ntaria (formerly Hermannsburg), the Registrar of Births, Deaths and Marriages in both New South Wales and the Northern Territory will not allow me to obtain a Birth Certificate with my mother's or my details showing us at law to be mother and son. Three years after being re-united with my mother, I had my name changed by Deed Poll to John Williams-Mozley, to reflect the family names of both my natural family and my adoptive family. Three years after that, my mother died of diabetes-induced kidney failure. She was 51 years old.

From records obtained from the NSW Archives, I learned that it took nine years for my mother to return to Alice Springs. She was taken away as a young girl and returned to her country a 21 year old woman. In all that time, she had not been allowed contact with her family, had been prepared for life as a domestic servant, and was 'encouraged to give up'[1] her first-born son, according to a letter I found in the NSW Archives. At the time of meeting my mother, I also learned that I was the eldest of her children and that I had three sisters and four brothers.

My brother Kenny, who is three years younger than me, was taken away at birth from Alice Springs and placed on Croker Island. He was permitted to return to our family when he was about 11 years old. My sister Elna was taken away aged three months. She too was placed on Croker Island and was permitted to return to our family when ten years old. Kenny and Elna have told me that when they were on Croker Island, they didn't know that they were brother and sister. Elna's three children, one girl and two boys, were also taken from her as toddlers and placed with adoptive families. The middle child, a boy, suicided when 17 years old proclaiming at his death that he didn't know who he was.

My brother Paul was taken away at birth and adopted by a Greek family in South Australia. He grew up believing he was Greek. Through Link-Up, we were re-united with Paul several years ago. He was 33 years old at the time and continued to find it extremely difficult to come to terms with his true identity and his place in our family. Paul died aged 53 of heart failure. Through Link-Up, we also located a brother who was one year older than Paul and living in Western Australia. His name was Peter, and soon after Link-Up confirmed his identity through DNA tests, Elna, Kenny, Paul, Robert and my youngest sister, Louisa, travelled from the Northern Territory to Peter's hospital bed in Perth to meet him. He died two weeks after that visit, aged 54, having been diagnosed with cancer several months before Link-Up found him. I had grown up knowing I was Aboriginal and even though my adoptive parents had no knowledge of Aboriginal cultures, or Western Arrernte culture in particular, they had told me at the earliest opportunity that my mother was an Aboriginal woman from Alice Springs named Mary Williams. The only other fact they were told by the New South Wales Child Welfare Department and the Aborigines Protection Board was that my grandfather was a policeman in the Northern Territory. As far back as I can remember, I had always wanted to be a policeman 'just like my grandfather'. In 1967, the same year the Australian population voted overwhelmingly in favour in a referendum for Aboriginal people to be counted in the National Census as Australian citizens, I was accepted as the first Aboriginal Police Cadet in the New South Wales Police Cadet Corps. To my knowledge, I was the only Aboriginal person ever accepted in the Cadet Corps throughout its 40-year history.

Owing to the fact that I was taken from my natural family at such a young age, and thereafter denied access to my language, my culture, my land, my place in my family, I have no claims to my Aboriginal heritage. Conversely, although I was raised in what could only be termed a 'typical' white Australian family, white society will not accept me as white. I am neither black nor white. My identity resides somewhere in the hyphen in the middle of my name. In every respect, that is nowhere.

Three generations of my family, beginning with my mother and continuing with my sister's children, were removed over the last 40 years and either placed in institutions or adopted in the name of 'assimilation'. We were not allowed to grow up with each other or within our families. Consequently, we do not know each other. We can, in all honesty, be described as 'dysfunctional'. We have no past, and in many respects, we have no future.

This chapter explores a number of key principles and concepts dealt with in the Commonwealth government's *National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from Their Families* (HREOC, 1997). The chapter's central focus is the impact and continuing effects past 'assimilation' policies have had on the contemporary circumstance of Aboriginal and Torres Strait Islander people. It also explores the Inquiry's observations regarding the meaning and intent of genocide, the notion of 'self-determination' and also the vexed question of Aboriginal 'identity'.

The Inquiry

In 1995 the Federal Labor Government established the *National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from Their Families*. The Inquiry arose in response to increasing concerns among Indigenous agencies and communities that the Australian practice of separating Indigenous children from their families had never been formally examined. As such, it was argued that the long-term effects of the many and varied separation policies and practices had never been investigated or even acknowledged. In agreeing to the Inquiry, the Australian Government appointed Sir Ronald Wilson, then President of the Human Rights and Equal Opportunity Commission and Mick Dodson, then Aboriginal and Torres Strait Islander Social Justice Commissioner, to lead the conduct of the Inquiry. The Terms of Reference[1] required the Inquiry to:

- Trace past laws, practices and policies which resulted in the separation of Aboriginal and Torres Strait Islander children from their families by compulsion, duress or undue influence and the effects of those laws, practices and policies;
- Examine the adequacy of and the need for any changes to current laws, practices and policies relating to services and procedures currently available to those Aboriginal and Torres Strait Islander people who were affected by the separation under compulsion, duress or undue influence of Aboriginal and Torres Strait Islander children from their families, including but not limited to current laws, practices and policies relating to access to individual family records and to other forms of assistance locating and reunifying families;
- Examine the principles relevant to determining the justification for compensation for persons or communities affected by such separations; and
- Examine current laws, practices and policies with respect to the placement and care of Aboriginal and Torres Strait Islander children and advise on any changes required, taking into account the principles of self-determination by Aboriginal and Torres Strait Islander peoples (AHRC, 2012).

The report of the Inquiry, titled *Bringing Them Home*, was tabled in the Commonwealth Parliament on 26 May 1997. In total, the Inquiry made 54 recommendations

and provided a detailed analysis of the legislative history of state, territory and Commonwealth laws applying specifically to Aboriginal and Torres Strait Islander children, as well as general child welfare and adoption laws. In this regard, the Inquiry reaffirmed the fact that from around 1900 onwards, all Australian states and territories had enacted legislation which introduced processes by which Aboriginal and Torres Strait Islander children could be removed from their families and made wards of the State. Subsequently, the Inquiry was able to conclude that in the period 1910 to 1970, between one in three and one in ten Aboriginal and Torres Strait Islander children were forcibly removed under these processes. While the Inquiry noted that most legislation concerning Aboriginal and Torres Strait Islander child removal had been repealed by the 1960s, child removal practices were still in operation in the early 1970s.

Importantly, the Inquiry found that for the majority of witnesses giving evidence the effects of such removal were negative, multiple and profoundly disabling, arguing that:

> the effects of removal should take into account the ongoing impacts and their compounding effects causing a cycle of damage from which it is difficult to escape unaided. Psychological and emotional damage renders many people less able to learn social skills and survival skills. Their ability to operate successfully in the world is impaired causing low educational achievement, unemployment and consequent poverty. These in turn cause their own emotional distress leading some to perpetrate violence, self-harm, substance abuse or anti-social behaviour (HREOC, 1997, p.178)

For many children, removal was accompanied by breaches of fiduciary duty of care, as well as criminal actions. Furthermore, it was argued that removal laws were racially discriminatory, and genocidal in intent. One of the Inquiry's key recommendations was that reparation be made to Indigenous people affected by policies of forced removal, specifically: those individuals who were removed as children; family members who suffered as a result of their removal; communities which, as a result of the forcible removal of their children suffered cultural and community disintegration; and the descendants of those forcibly removed who have been deprived of community ties, culture and language and links to their traditional land.

Briefly, the Inquiry recommended that monetary compensation should be provided to people affected by forcible removal under the following 'heads of damage':

1. racial discrimination
2. arbitrary deprivation of liberty
3. pain and suffering
4. abuse, including physical, sexual and emotional abuse
5. disruption of family life
6. loss of cultural rights and fulfilment
7. loss of native title rights

8. labour exploitation
9. economic loss
10. loss of opportunities.

In proposing the establishment of a National Compensation Fund under the auspices of the Council of Australian Governments (COAG), the Inquiry intended that the following procedural principles should be applied in the operations of a monetary compensation mechanism. Essentially, the mechanism should receive the widest possible publicity; claimants should receive free legal advice and representation; there should be no limitation period applied; decision making should be independent (from politics); there should be minimum procedural formality, and it should not be bound by the rules of evidence; and that the operations of the mechanism be culturally appropriate (including language).

Further, such reparation should also include an acknowledgement of responsibility and an apology from all Australian parliaments and other agencies which implemented policies of forcible removal as well as monetary compensation. While all state and territory[2] parliaments have since apologised to those affected by the policies of separation[3] (the Commonwealth Parliament apologised 11 years later in 2008), and a $54 million 'package' was established to fund family tracing and counselling services, as well as an oral history project, the suggestion of monetary compensation or other forms of reparation was rejected.

In rejecting the Inquiry's calls for monetary compensation, an Australian Government submission (April 2000) to the Senate Legal and Constitutional References Committee claimed that there is no 'stolen generation'; the number of people forcibly removed was significantly less than the *Bringing Them Home* report suggested; that the methodology of the report was flawed; and that there is no basis for making reparations, including monetary compensation.

Recommendation 8a of the *Bringing them Home* report was concerned with school education and provided that state and territory governments ensure that primary and secondary schools curricula include substantial compulsory modules on the history and continuing effects of forcible removal. In the same vein, it was recommended that professionals who work with Indigenous children, their families and communities receive inservice training about the history and effects of forcible removal. Similarly, all undergraduates should receive as part of their core curriculum, education about the history and effects of forcible removal.

While some states are attempting to develop curriculum inclusive of the history and effects of forcible removal, the main body tasked with implementing a national school curriculum that includes Aboriginal and Torres Strait Islander content across all discipline areas is the Australian Curriculum, Assessment and Reporting Authority (ACARA). At this time, ACARA has not produced a national curriculum to the satisfaction of key stakeholders, including Aboriginal and Torres Strait Islander

educators. In fact, the National Sorry Day Committee claimed, in October 2011, that:

> There is a real risk that the new National Schools Curriculum will continue the status quo of retaining the harmful silence on both the achievements and historical mistreatment of Australia's First Nations Peoples. Its omission will deny non-Indigenous students a real and honest understanding of the issues of racism and discrimination that Australia faces today and why the need for reconciliation exists (NTEU, 2011).

In line with Recommendation 8a of the *Bringing Them Home* report, the National Sorry Day Committee is strongly of the view that the history of forcible removal of Indigenous children should be made a mandated and distinct component of the history curriculum, to be covered at different stages throughout primary and secondary schools. Further, that such history should include Aboriginal and Torres Strait Islander people's experiences of separation from country, culture and family. More pointedly, the Committee has advocated that the anniversary of the National Apology should be a mandated component of the Australian Curriculum and serve as an entry point for discussion about the history of forcible removal of Indigenous children resulting in the Stolen Generations.

Genocide

Bringing Them Home found that the policy of forcibly removing Indigenous children fell within the international legal definition of genocide. The Inquiry noted that the United Nations *Convention on the Prevention and Punishment of the Crime of Genocide* had been ratified by the Commonwealth of Australia in 1949, and that it entered into force in this country in 1951. From its examination of the international legal definition, the Inquiry determined that the crime of genocide is not restricted to the immediate physical destruction of a group, but includes the forcible transfer (i.e. removal) of children with the intention to destroy, in whole or in part, a national, ethnic, racial or religious group, as such. The Inquiry asserted that the essence of the crime of genocide is the intention to destroy the group, and concluded that child removal policies were genocidal because the principal aim was the elimination of Australia's Indigenous peoples' distinct identities.

Years earlier, the same conclusion had been drawn by Wiradjuri man Paul Coe. When Coe was Chairman of the Board of Directors of the New South Wales Aboriginal Legal Services he presented a paper at a 1982 NSW Institute of Criminology conference titled, *Aboriginals and the Law in NSW*. In this paper, Coe stated that an understanding of the 200-year history of oppression of Aboriginal people by Europeans was vital to understanding the relationship between Aborigines and the law in NSW in the 1980s (1982, p. 14). In discussing this history, Coe made what was arguably the first public pronouncement that equated the 'systematic and sustained campaign of oppression' of Aboriginal people with the crime of genocide (1982, p. 14).

On 12 January 1946, the United Nations defined the three constituent elements of genocide as: a direct mass murder by order or destruction; forcing an ethnic, racial or religious group to live in conditions which might lead to a partial or complete liquidation of that group; and measures taken in order to prevent births in that group or a violent shifting of the children to be brought up in another group. Coe argued that the European settlers and colonisers of Australia were guilty of genocide in the first sense, that the 'assimilation' policy of the Australian Governments was genocide in the second sense, and that the forced removal of 'part Aboriginal' children from their families was genocide in the third sense (Coe, 1982, p. 14).

Coe concluded that the only form of reparation for such horrifying injustices was the provision of 'meaningful compensation and land rights' (1982, p. 15).

Self-determination

The first public pronouncement of a concept of Aboriginal self-determination was aired in the lead-up to the 1972 federal government elections when Gough Whitlam, Leader of the (Labor) Opposition, declared in his election policy speech concerning Aboriginal Affairs that:

> Australia's treatment of her Aboriginal people will be the thing upon which the rest of the world will judge Australia and Australians – not just now but in the greater perspective of history … the Aborigines are a responsibility we cannot escape, cannot share, cannot shuffle off; the world will not let us forget that (Harris, 2005, p. 6).

When Labor came to power in December 1972, Australia was experiencing booming economic development following discoveries of oil, gas, uranium and nickel – mainly on Aboriginal reserve lands – the benefits of which Whitlam determined would be shared by all Australians (Griffiths, 1995, p. 125). Among a list of priorities for the new government was the promise to introduce a wide range of welfare programs to assist Aboriginal people who, for Labor, had become a political symbol of dispossession and neglect. The new government also promised a new approach to Aboriginal affairs, one underpinned by Aboriginal 'self-determination' (Griffiths, 1995, p. 125). At the time 'self-determination' was taken to mean that Aboriginal people themselves would be involved and participate in making policies and in decisions that affect them and their future (ABS, 1975, p. 971). Five years later, Article 1 of the *International Convention on Civil and Political Rights* more formally declared that self-determination is the right of all peoples to 'freely determine their political status and freely pursue their economic, social and cultural development' (OHCHR, 1994).

Prior to the Labor win in 1972, neither state nor federal party politics rated or treated Aborigines as a political issue. Tatz argued that it was only 'very briefly' during the Whitlam era between December 1972 and the early months of 1975 that Aboriginal people were raised to the status of a 'political problem', the resolution of which, in Whitlam's own words, 'would be the yardstick by which Australia's

civilisation would be measured in the perspective of history' (Tatz, 1981, p. 7). When the Whitlam Government was brought to an untimely end by the Governor-General in early 1975 in a controversial political manoeuvre that dissolved Parliament, it had been in office for less than two and a half years. Tatz argued pessimistically that following Whitlam's dismissal:

> the rhetoric and euphoria ended, with Aborigines being relegated to what they have been – at least consciously – for the last thirty years: a social problem, within a generic species that embraces (pejoratively) the aged, the doped, the drunk, the criminal, the sick, the jobless and the retarded, for all whom there is need only of more money for more officers for more problems (Tatz, 1981, p. 7).

Bringing Them Home recommended that self-determination be implemented in relation to the well-being of Indigenous children and young people through national framework legislation for juvenile justice and care and protection systems. In this regard, the Inquiry proposed that all services and programs provided for survivors of forcible removal emphasise local Indigenous healing and well-being perspectives.

Identity

One principal effect of the removal policies was the severe erosion of cultural links. This was, of course, the aim of these policies: the removals prevented Indigenous children from cultivating a sense of Indigenous cultural identity while they were developing their own personal identity (AHRC, 2010, p. 36).

While Australia's non-Aboriginal population was carefully and regularly enumerated from the first day of settlement, the same cannot be said about the Aboriginal population. In this regard, a special article prepared by the Aboriginal and Torres Strait Islander Commission (ATSIC) for the 1994 edition of *Year Book Australia* stated that previous estimates made of the Aboriginal and Torres Strait Islander population at the time of settlement ranged from around 300 000 to over one million. It further stated that, in the years following colonisation, the Aboriginal and Torres Strait Islander population declined dramatically under the impact of newly introduced diseases, repressive and often brutal treatment, dispossession, and social and cultural disruption and disintegration, and that 'such data as is available suggests a decline to around 60,000 by the 1920s' (ABS, 1994, p. 2).

When consideration was given to enumerating the Aboriginal population, demographic statistics made a distinction between 'full-blood' and 'half-caste' or 'part-blood' Aboriginal people up until 1966. As Gardiner-Garden (2003, p. 3) disclosed in a seminal paper on defining Aboriginality in Australia, Aboriginal people were initially grouped by reference to their place of habitation in the first few decades of settlement. As settlement expanded, resulting in greater dispossession and intermixing, a raft of other definitions came into use. The most common involved reference to 'blood-quantum' classifications which entered legislation

in NSW in 1839, South Australia in 1844, Victoria in 1864, Queensland in 1865, Western Australia in 1874 and Tasmania in 1912 (Gardiner-Garden, 2003, p. 3). From then until the late 1950s, states regularly legislated all forms of inclusion and exclusion to benefits, rights, or places by reference to degrees of Aboriginal blood, which resulted in capricious, often inconsistent, practice based on nothing more than an observation of skin colour. The absurdity of these racial divisions was reached in Western Australia where it was revealed that in 1960 Aboriginal welfare officers were dealing in fractions as small as 1/128th in determining eligibility for certain benefits (Broome, 1994, p. 181).

As to the profusion of legislation 'defining' Aboriginality, McCorquodale (1987) estimated that since 'settlement', approximately 700 separate pieces of prescriptive legislation had been enacted throughout Australia with reference to the status or condition of being Aboriginal. This included no less than 67 classifications, descriptions or definitions that have been applied at various times by governments in pronouncing who is 'Aboriginal'. While it has been argued that much of this 'special' legislation had an 'avowedly benevolent intention' (McCorquodale, 1987, p. xiv), many Acts were also discriminatory as a result of provisions that created 'status offences' where criminal sanctions applied only to the conduct of Aboriginal people. It is only since the 1967 Commonwealth Referendum, where section 127 of the Australian Constitution requiring the exclusion of Aboriginal people from estimates of the population of the Commonwealth or of a state or other part of the Commonwealth was repealed, and the *Constitution Alteration (Aboriginals) Act 1967* proclaimed, that all Aboriginal people, no matter how they were previously categorised under the various 'blood quantum' definitions of 'Aboriginal', have been counted in the Australian census (ABS, 2004, p. 5).

In the first national Census following the 1967 Referendum, an attempt was made to remove 'blood quantum' distinctions by adoption of the following definition of an Aboriginal person as: 'A person of Aboriginal descent, who identifies as an Aboriginal and is accepted as such by the community with which he/she is associated', changing the concept of Aboriginal from one which was essentially racial, to one which was more social and political (Griffiths, 1995, p. 113). This definition remains in use today, predominantly in program administration and also some legislation and court judgements and sits alongside another definition common in legislation that defines an Aboriginal as 'a person who is a member of the Aboriginal race of Australia' (Gardiner-Garden, 2003, p. 1).

Conclusion

It is important when teaching about the Stolen Generations to treat the issues sensitively, especially when it may be a family matter for some students. Some Aboriginal and Torres Strait Islander educators themselves have written guides for teaching, for

example, 'The Longest Journey', a part of the *Integrated Units Collection* (Curriculum Corporation, 1996); resources for teaching can also be found at the Australian Human Rights Commission website.

In doing so, it is wise to become familiar with the language, terminology and stories of members of the Stolen Generations. It is through these 'conversations' and consultation with Aboriginal and Torres Strait Islander communities that teachers can best value Australia's history, educating subsequent generations.

Review questions

1. Why is so much of the *Bringing Them Home* report focused on the past? What we need to do is look at the present and the future, not dwell on the past. Comment.
2. What issues or circumstances would the Commonwealth Government have to take into account if it were to consider reparation for the Stolen Generations?
3. Why did the *Bringing Them Home* report refer to Aboriginal and Torres Strait Islander children taken from their families as the Stolen Generations?
4. Why do you think successive Australian governments have been so concerned with defining who is or who isn't an Australian Aboriginal person in this country?
5. Weren't Indigenous children removed for their own good? Being taken away from their Indigenous families gave them a good education and opportunities they would not have had otherwise. Discuss.

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Notes

1 The Inquiry's Terms of Reference can be found at http://www.humanrights.gov.au/education/bringing_them_home/1about_RS.html

2 I was one of three Aboriginal people invited to address the ACT Legislative Assembly on 17 June 1997 on the occasion of its apology to the Stolen Generations. The address presented can be located at abc.gov.au/frontier

3 See http://www.humanrights.gov.au/social_justice/bth_report/apologies_states.html for the *Content of Apologies by State and Territory Parliaments*.