

History of Aboriginal People and the Child Protection System in NSW

The relationship between the child protection system and Aboriginal and Torres Strait Islander people, begins well before the introduction of the Permanency Support Program (PSP). Below is a brief overview of Aboriginal history, including pre-invasion, assimilation policies, and reconciliation until today. Given the content of this factsheet, the PSP Learning Hub would like to remind you to check in and take care of yourself.

Pre-invasion (Prior to 1788)

Aboriginal people are known to have occupied mainland Australia for more than 65,000 years. Aboriginal Australia was a country made up of many diverse nations, languages, and dialects. Aboriginal people lived with family groups, each group having a defined territory and distinct history and culture. Spirituality, kinship systems, traditional practices and beliefs were handed down by family, through oral history. Being a collective culture, Aboriginal people placed greater importance on social and spiritual activities rather than material items. Land was, and is, fundamental to Aboriginal people's belongings and identity. Boundaries were defined by the Dreaming creations stories and symbolised by significant landmarks, with each family group having spiritual connections and obligations to a particular country.

Initial Invasion and Colonisation (1788 – 1890)

The arrival of the First Fleet in 1788 sparked immediate conflict between colonisers and Aboriginal people. Despite the resistance of the Aboriginal people, the colonisers declared Australia 'terra nullius' meaning land belonging to no one. Based on this doctrine of British law, Britain took possession of Australia and declared it Crown land. As the colonies spread across the continent, Aboriginal people continued to fight the invasion. However, the next century was marked by genocide, massacres, displacement, and disease. With no immunity to diseases like smallpox, syphilis, and influenza the Aboriginal population diminished significantly. In less than a year, over half the indigenous population living in the Sydney Basin had died from smallpox. Frontier violence and massacres were commonplace, despite British law stating it was punishable by death. It wasn't until the 1838 Myall Creek massacre, the first

British subjects were prosecuted for the murder of Aboriginal people. In 1883, the NSW Aborigines Protection Board (the Board) was established to manage the reserves and oversee the lives of the approximately 9,000 Aboriginal people in NSW.

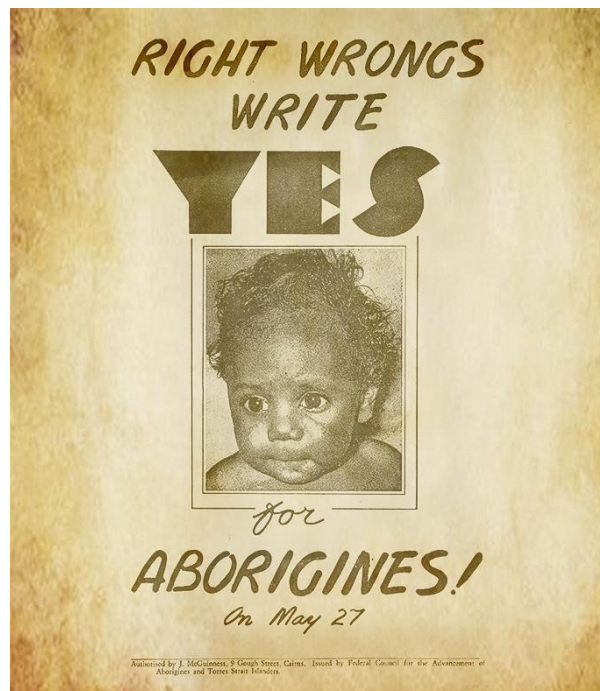
Protection and Segregation (1890 – 1940)

In 1909, the Board was given statutory powers. Under the Aborigines Protection Act 1909, the Board had the power to remove “neglected” Aboriginal children from their families. The Board established “homes” such as The Cootamundra Girls Home and the Kinchela Aboriginal Boys Home. The original policy of the Board was designed to achieve the disappearance of Aboriginal people through means such as reducing the birth rate of Aboriginal children by removing adolescents and isolating Aboriginal children and adolescents from their families and communities (Royal Commission into Aboriginal Deaths in Custody, 1998). In 1915, the Aborigines Protection Act was amended to give power to the Aborigines Protection Board to remove Aboriginal children from their families, without having to establish in court that they were ‘neglected’. This power was retained until 1940, when the Board was renamed the Aborigines Welfare Board, and now had to establish that Aboriginal children were ‘neglected’ or ‘uncontrollable’ in court before removing them from their families. This change was the result of the 1937 ‘Aboriginal Welfare: initial conference of Commonwealth and State Aboriginal Authorities’ conference. The conference concluded that the solution to the “Aboriginal problem” was the assimilation of “not full blooded” Aboriginal people.

Assimilation (1940 – 1967)

Despite assimilation being agreed to in 1937, it wasn't until 1951 that all Australian governments claimed to have adopted an assimilation policy, having been delayed by World War II. While the policy gave rights and privileges to Aboriginal people, and European migrants, it was highly conditional on the adoption of the customs and beliefs of other white Australians. The assimilation policy saw a change from segregation to surveillance as a way of “managing” Aboriginal people. In 1948, district welfare officers were introduced in NSW. The purpose of the position was to assist Aboriginal people to improve their living conditions through “constant contact”. Aboriginal parents were constantly assessed on how well they were caring for their home and children, based on the standard set by non-Aboriginal, male bureaucrats. Parents who did not meet these standards had their children taken, with no way to contact them. In a step forward, the 1967 Referendum saw more than

90% of Australian voters agree to amend the Australian Constitution to recognise Aboriginal people as a part of the Australian population.



Source: AIATSIS – The 1967 Referendum

Integration, Self-determination, and Self-management (1967-1990)

In 1969 the Aborigines Welfare Board was abolished under the [Aborigines Act \(1969\)](#) and responsibility for Aboriginal children was transferred to the Department of Youth and Community Services. The Aborigines Act also provided for the establishment of an Aborigines Advisory Council. The Council was to be made up of Aboriginal people to advise the Minister for Social Welfare on policy regarding the needs of Aboriginal people. The 1970s saw some key developments for self-determination, including:

- Prime Minister Gough Whitlam declaring a policy of “self-determination”
- the Department of Youth and Community Services began involving Aboriginal workers in the process of placing Indigenous children
- the first Aboriginal and Torres Strait Islander Child Care Agencies (AICCA) are formed (roles include: preventative services, involvement with youth in foster care and adoptions services)

- the establishment of the [Aboriginal Legal Service](#)
- the Woodward Royal Commission published [two reports](#) regarding Aboriginal land rights
- [Neville Bonner](#) being sworn in as Australia's first Aboriginal Senator
- the introduction of the [Racial Discrimination Act \(1975\)](#).

[The Aboriginal and Torres Strait Islander Child Placement Principle](#) (the Principle) grew from AICCAs strong advocacy for the best interests of Aboriginal children. The Principle has been incorporated into legislation across Australia including [section 13](#) of the Children and Young Person (Care and Protection) Act 1998.

For more information about the Principle, see: [Enacting the Aboriginal and Torres Strait Islander Child Placement Principle](#).

Reconciliation (1990 - present)

“We took the traditional lands and smashed the traditional way of life. We brought the disease. The alcohol. We committed the murders. We took the children from their mothers. We practiced discrimination and exclusion. It was our ignorance and our prejudice.”

– Prime Minister Paul Keating, [speech at the Australian launch of the International Year for the World's Indigenous People](#), 10 December 1992.

[Reconciliation](#) was one of the 339 recommendations made by the [Royal Commission into Aboriginal Deaths in Custody](#) report, published in 1991. Several strides have been made towards reconciliation since then, such as:

- Former Prime Minister Paul Keating's [speech](#) at the Australian launch of the International Year for the World's Indigenous People.
- The Close the Gap campaign - in response to Professor Tom Calma's [Social Justice Report \(2005\)](#).

- Former Prime Minister Kevin Rudd’s [apology to Australia’s Indigenous peoples](#) and the Department of Communities and Justice’s (DCJ) [apology](#).
- The launch of [Closing the Gap](#), the [Family is Culture](#) review, the [Bringing Them Home](#) report, and [Report of the Special Commission of Inquiry into Child Protection Services in NSW](#).
- The establishment of [National Reconciliation Week](#), which marks both the result of the [1967 referendum](#) and the 1992 [Mabo decision](#).
- [The Uluru Statement from the Heart](#) - shared in 2017, the Statement called for [Voice, Treaty, and Truth](#) to realise [Indigenous rights](#) through [substantive reform](#).

“The day the proposal for a constitutional enshrined Indigenous voice was rejected by the majority of my fellow Australians will be remembered by many as a sombre day in our country’s history”. shared “Now is the time to act. The referendum must not lead to despair, but to a search for new ways to secure justice”

[June Oscar, Aboriginal and Torres Strait Islander Social Justice Commissioner](#)

Despite these acts of reconciliation the effects of past policies and practices are still felt through [intergenerational trauma](#) and ongoing racism and inequalities. Aboriginal and Torres Strait Islander people and children continue to be vastly over-represented in the criminal justice and child protection systems.

Please see below for more timelines, factsheets, and other resources to help you build your knowledge about the history of Aboriginal and Torres Strait Islander people.

Resources

Timelines

[Aboriginal resources: chronology of significant events](#)

[Defining Moments: Indigenous](#)

[Historical Context – The Stolen Generation](#)

[knowmore -a timeline of reparations for Stolen Generations survivors](#)

[Timeline of Trauma and Healing in Australia](#)

[Track the History Timeline: The Stolen Generations](#)

Factsheets

[Trauma in Aboriginal Communities](#)

[Working with Aboriginal Children, Young People and Families](#)

Other resources

[Child Family Community Australia: Aboriginal and Torres Strait Islander families practice resources](#)

[Colonial Frontier Massacres, Australia, 1788 to 1930 Cultural awareness journey](#)

[Kinship Module](#)

[Review of the implementation of the Royal Commission into Aboriginal Deaths in Custody](#)

[Serving their country](#)

[What is the Northern Territory Intervention?](#)

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