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The question of genocide and Indigenous child removal: the colonial Australian context

SHIRLEENE ROBINSON and JESSICA PATEN

Most academic debate about the stolen generations of Aboriginal children in Australia’s past has focused on the twentieth century, when government agents directed official attention to the removal of Aboriginal children from their family groups. This article focuses on the earlier colonial period in Australia, from 1788 to 1901, when generations of Aboriginal children were forcibly removed from their Aboriginal family groups. Aboriginal children were popularly considered to be more “controllable” or susceptible to assimilation than Aboriginal adults. Consequently, by the late nineteenth century, government officials in various Australian colonies encouraged the removal of Aboriginal children from their families and their retraining in manual labour. This idea of containing an “Indigenous threat” by removing and retraining Aboriginal children clearly guided the “Stolen Generation” policies of the nineteenth and twentieth centuries. This paper examines the unity of colonial Australian discourse about Aboriginal child removal and makes some observations about the scale of Indigenous child removal in the colonial era. It argues that the use of a conceptual framework centred around genocidal discourse provides the most effective way of understanding the motivations behind Indigenous child removals in Australia’s past.

The forcible removal of Aboriginal children from their family groups in Australia’s past remains one of the most contentious issues in the nation’s history. To date though, much of the historical work that has explored this topic has concentrated on the twentieth century, when government agents removed Aboriginal children from their family groups. These twentieth century efforts were based on perverse eugenic ideas, a fear of miscegenation and a desire to “breed out” a group offensively labelled Australia’s “half-caste” population. The genocidal motivations, as well as the devastating impact these twentieth century removal policies had on Aboriginal people, were noted in the 1997 Human Rights and Equal Opportunity Report Bringing Them Home and have since been explored by a considerable number of historians. This article focuses on the earlier colonial period in Australia, from 1788 to 1901, when generations of Aboriginal children were forcibly removed from their Aboriginal family groups. This was a time period when frontier warfare openly raged and when debates over the future of Australia’s Indigenous population raged openly in the colonial press. Much
public attention focused on Aboriginal children. Many settlers and government authorities believed that the most effective way to deal with the Indigenous population was to separate Aboriginal children from Aboriginal adults.

As the youngest and most vulnerable members of a dispossessed Indigenous population, Aboriginal children in colonial Australia were particularly susceptible to settler policies and activities. Aboriginal children were popularly considered to be more “controllable” or amenable to assimilation than Aboriginal adults. Consequently, by the late nineteenth century, government officials in various Australian colonies encouraged the removal of Aboriginal children from their families and their retraining in manual labour. This idea of containing an “Indigenous threat” by removing and retraining Aboriginal children clearly guided the “Stolen Generation” policies of the nineteenth and twentieth centuries.

This paper considers the foundation stage of Indigenous policy, when many ideas that were to impact on Aboriginal people in the twentieth century were formulated. After discussing the pattern of interaction between Aborigines and settlers in New South Wales, the article devotes particular attention to Queensland, as this was the first Australian colony to introduce legislation allowing for the removal of Aboriginal children from their family groups solely on racial grounds. It then examines the unity of broader colonial Australian discourse about Aboriginal child removal by charting the development of legislation permitting Indigenous child removal in the other Australian colonies and makes some observations about the scale of Indigenous child removal in the colonial era. This article argues that removal of Aboriginal children must be central to any discussion of genocide in Australia’s past. Although such removals were conducted for disparate purposes by a range of individuals, they had outcomes that can be considered genocidal. A framework that supports this analysis provides the most effective way of understanding the impact of Indigenous child removals in Australia’s past.

The forcible removal of Aboriginal children from their family groups was a common practice across colonial Australia. The philosophical origins of this practice date back to eighteenth century England. During this era, the rapid process of industrialization and its subsequent social changes caused much consternation amongst the British public. Many British people believed that crime was on the rise and that society was in danger of collapse or of being consumed by immorality. British theorists attempted to control or prevent such eventualities by blaming this perceived increase in crime on “problem populations.” These theorists argued that the children of “problem populations” should be retrained in manual labour and provided with a religious education. They argued that this process represented the best method of rehabilitating the criminal classes in England.

During the eighteenth and nineteenth centuries, evangelical Anglicans and other Protestants were particularly strong proponents of this philosophy. The English state proved accommodating to these ideas of moral reform and child removal and retraining and this resulted in the establishment of numerous industrial schools. This philosophy, supporting the moral reform of children, was responsible from 1849 onwards for the emigration of working class children
from England to such far-flung corners of the empire as Canada and Australia. The historian Rosalind Kidd has adeptly explored the enduring influence of this belief on Aboriginal children in Australia in the nineteenth and twentieth centuries. 

The nature of colonialism, the European desire to occupy Aboriginal lands and the scale of frontier violence meant that settlers applied this theory to the Aboriginal population of Australia almost immediately after their arrival. The exact scale of frontier violence in colonial Australia has been hotly contested topic in recent years. Much of this debate was prompted by the conservative periodical Quadrant in 2000. In September to November of that year, the periodical featured three articles by the writer and former academic Keith Windschuttle. Windschuttle maintained that accounts of frontier violence in Australia’s past had been exaggerated by nineteenth century missionaries and twentieth century historians with left-wing political agendas. Windschuttle has taken particular umbrage to the works of Henry Reynolds, a historian who estimated that around 20,000 Aborigines and 2000 Europeans died violently on the Australian frontier. Windschuttle later self-published a text examining the scale of frontier violence in colonial Tasmania, entitled The Fabrication of Aboriginal History.

Windschuttle’s dismissal of large-scale frontier violence in Australia’s past has provoked many strong responses from other historians. On the balance of records available, though, it is evident that brutality was a common feature of the colonial landscape all across Australia. Before the eighteenth century had even ended, there had been numerous recorded clashes between Aborigines and settlers in New South Wales. In 1835, Reverend W. Yate told a government enquiry that “I have heard again and again people say that they were nothing better than dogs, and it was no more harm to shoot them than it would be to shoot a dog.”

As European settlement spread outwards across the continent, violent clashes between Aborigines and Europeans were a constant feature of the colonization process. While it is important to recognize Aboriginal agency, accommodation and resistance, it is also necessary to acknowledge that the various Australian frontiers “bristled with guns.” The language used by various newspapers across the breadth of Australia indicates the violent mindset that many settlers held towards Aborigines. In 1874, in a quote that encapsulates these attitudes, the Queensland newspaper, the Peak Downs Telegram, insisted that “the only way to pacify [Aborigines] is to set out their pacification and reformation with the aid of a good rifle, and full supply of ammunition.”

By the end of the nineteenth century, however, the process of Indigenous dispossession had been completed across most of Australia. The population levels of most Indigenous groups had dropped significantly due to both introduced diseases and frontier violence. Many white settlers argued that the depletion of Australia’s Indigenous population was a form of Social Darwinism and that the Indigenous population would eventually die out completely. Yet, as traditional Aboriginal society experienced unprecedented disruption, more and more Indigenous people moved on to the fringes of European settlements. As a consequence,
increasing numbers of children with both European and Aboriginal heritage were born. The growing numbers of these children, who presented a contradiction to the theory that the decline of the Aboriginal population was inevitable, appear to have caused much official and unofficial consternation. It is certainly evident that the end of the nineteenth century saw an increasing preoccupation with the removal of these Aboriginal children from their family groups.

There has already been considerable dispute amongst Australian historians over what happened on the frontier. Much of this debate has focused on the extent of violence on the Australian frontier and whether this might constitute a form of genocide. Other debate has centred on the policies of Indigenous child removal that developed at the end of the nineteenth century and whether these policies might also be described as genocidal. In order to consider this question in greater detail, it is necessary to examine the removal of Aboriginal children across Australia in the earlier colonial period.

Although the Polish jurist Raphael Lemkin developed the term “genocide” in 1944 to describe the practices of Nazi Germany in occupied regions, it is clear that the term has meaning and use outside of that precise historical milieu. Lemkin himself certainly intended this to be the case. There is still some dispute, though, over exactly what constitutes “genocide.” Robert van Krieken has adeptly expanded on this point, arguing that there are a number of tensions between broader and narrower understandings of what precisely constitutes “genocide.” He writes that:

A narrow conception essentially restricts the definition of genocide to the various forms of killing and physical annihilation, whereas the broader conception allows for a wider variety of ways in which human groups can be “eliminated,” including the destruction or undermining of their culture and physical environment.

Van Krieken also points out that “some of these tensions are certainly generated by the occasionally excessive political enthusiasm for calling something seen as destructive in some way or another “genocidal.”

According to Article II of the Convention on the Crime of Genocide, genocide means any of the following acts committed with intent to destroy, in whole or part, a national, ethnical, racial or religious group, as such:

(a) Killing members of the group;
(b) Causing serious bodily or mental harm to members of the group;
(c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;
(d) Imposing measures intended to prevent births within the group;
(e) Forcibly transferring children of the group to another group.

The historian Henry Reynolds maintains that Aboriginal deaths from introduced diseases like smallpox could not be considered to be the results of genocide. He also contends that the depletion of the Indigenous population of Tasmania or broader “assimilation” of Aboriginal people into the wider community could also...
not be considered to be genocidal. He does, however, believe that elements of the violence on the Queensland frontier could be considered to be genocidal. He writes:

The story of frontier conflict was punctuated with genocidal movements when settlers and police systematically pursued particular groups of Aborigines with the intention of destroying them. Such moments occurred in a variety of circumstances... How many genocidal moments there were must be a matter of speculation. Much detailed local research still needs to be done.25

Local research conducted by historians such as Raymond Evans, who has also studied the Queensland frontier, Richard Broome and Jan Critchett, who both conducted in-depth studies of the Victorian frontier, and Lyndall Ryan, who has researched contact between Aborigines and Europeans in Tasmania, would seem to support the conclusions Reynolds makes.26 Although the exact pattern of contact between Indigenous people and settlers varied regionally, it is possible to chart a constant pattern of fear, intimidation and racial prejudice, leading to outbursts of violence and genocidal discourse. Such a pattern may best be conceived, as Patrick Wolfe contends, as the logic of settler-colonial elimination.27 Wolfe maintains that settler behaviour is “inherently eliminatory but not invariably genocidal.”28 The same contention can be put forward for the Indigenous child removal process in colonial Australia.

The removal of Aboriginal children from their family groups must be viewed in the context of these broader frontier wars. Moreover, the British “reformatory conviction,” which advocated the removal and training of children of “problem populations,” also meant that from the outset, European settlers were particularly fixated on Aboriginal children.29 The practice of removing Aboriginal children from their family groups and exploiting their labour also filled a significant labour void in various parts of Australia.30 Thus, almost as soon as Europeans were in a position to remove Aboriginal children from their family groups, many did so.

Significant numbers of pastoralists and government officials advocated the forcible retraining and removal of Aboriginal children in New South Wales. Such schemes in New South Wales were not solely devoted solely to “retraining” Indigenous children. By the 1820s, the colony of New South Wales had various moral reform associations in operation devoted to the improvement of European orphans, destitute children or children deemed “neglected,” as well as financially impoverished women, female convicts and female prostitutes.31 As has been mentioned, though, the Indigenous population of Australia were demarcated as a “problem population” immediately on settlement and the question of how this “problem” should be resolved attracted particular attention.32

By 1810, the start of a decade when debate on future policies towards the Indigenous peoples of New South Wales increased quite dramatically, many members of the public were freely advocating the removal of Aboriginal children from their parents so that they could be “improved.” In 1810, the Sydney Gazette published several letters from a correspondent who argued that, while nothing could be done
to “civilize” Aboriginal adults, their children could be introduced into civilization by being separated from their parents. It is worth remembering that such “civilization” involved forcible removal and that this very clearly fits into the definition of genocide advanced by Article II of the Convention on the Crime of Genocide.

The first official scheme for the rehabilitation, or indoctrination, of Aboriginal children into European behaviour began in 1814 when William Shelly asked Governor Lachlan Macquarie if he could establish an institution at Paramatta where Aboriginal children could be trained in menial tasks. The British belief that “problem populations” should have their children removed and that these children should be retrained in manual labour, was central to the founding of this school. Macquarie himself believed the aim of the Parramatta Native Institution to be “Educating and Bringing up to Habits of Industry and Decency the [Indigenous] youth of both Sexes.” The school was ultimately a failure, as it collapsed nine years after it had begun. The closure of the school was attributable to Aboriginal reluctance to part with their children and the successful methods Aboriginal people used to recapture those children who had been forcibly placed in the school.

Before this collapse, the Aboriginal school made a significant impression on colonial New South Wales society. In 1819, an Aboriginal girl from the school won the first prize in the colony-wide Anniversary Schools Examination, ahead of 20 Aboriginal students and 100 European students. The Sydney Gazette proclaimed the method of indoctrinating Aboriginal children practised by the school to be an instrument of “civilisation and salvation of thousands of creatures, at present involved in gross darkness.”

By the 1820s and the 1830s, the idea of training Aboriginal children to become “Europeanized” through labour and separation from their communities was well entrenched in colonial New South Wales and was part of the dominant colonial discourse. In 1827, the naval surgeon Peter Cunningham succinctly expressed this idea. He argued that “you must absolutely secure the young, wean them from parental influence, and infuse into them new ideas and opinions before you can make much progress.”

Many other prominent citizens in colonial New South Wales held similar views to Cunningham, believing that the Indigenous population of New South Wales could be controlled through the removal and retraining of their children. The first chaplain of New South Wales, the Reverend Richard Johnson, took an Aboriginal girl named Araboo, aged about 15 years old, into his household. Johnson remarked that he had “no reason to complain of her improvement. She can begin to speak a little English and is useful in several things about our little hut.” Johnson was not cognizant of the discontented position of Araboo. She had been removed from her family and placed into an extremely alien situation, and was expected to perform foreign labour tasks. This considered, it is not surprising that she absconded from Johnson’s residence after 18 months. The Reverend Samuel Marsden also attempted to “improve” an Aboriginal child, this time a boy, by keeping him in his residence, using his labour and imbuing in him the methods of Christianity.
The New South Wales experience up to the 1840s had emphasized the removal, exploitation and indoctrination of Aboriginal children, a group who had been classified as a “problem population” in order to maintain the hegemony of the state. Therefore, it is hardly surprising that those colonists involved in the first large-scale pastoral pushes into Queensland in the 1840s brought this philosophy with them. It was in Queensland, however, that ideas of Indigenous child removal on the grounds of race were first given legal assent.

Even before the Moreton Bay District—later to become Queensland—formally separated from New South Wales, settlers and officials in this region also advocated the removal of Indigenous children from their family groups. At this time, the Reverend W. Schmidt, who had worked in the Moreton Bay District, concluded that adult Aborigines were simply not interested in being incorporated into European society. It is interesting to note that the first missionary to the Aborigines in the Moreton Bay District, the Reverend William Watson, ultimately lost the trust of Aborigines in the region because of his preoccupation with separating Aboriginal children from Aboriginal adults.

As Aboriginal resistance continued in Queensland throughout the 1850s and 1860s, other colonists expressed the belief that efforts to “improve” Queensland’s original population should concentrate on “civilizing” Aboriginal children through their removal from their parents and retraining in labour. The shortages and expense of labour that settlers were experiencing at this time no doubt furthered the popularity of this theory.

In 1852, a colonist wrote a letter to the Moreton Bay Courier, asserting that Aboriginal resistance could be broken by “taking their children away from them, placing them in a factory and teaching them some useful trade, and when sufficiently aged, apprenticing them out for a number of years.” In 1860, another correspondent to the Moreton Bay Courier, writing under the pseudonym “Philanthropist,” informed the newspaper that he believed adult Aborigines were “really incapable of instruction” but that he considered Aboriginal children to be “generally sharp, active, apt to learn, quick in apprehending, and easily educated.” The newspaper itself also expressed such sentiments, arguing in 1860 that:

The government, it strikes us, should mainly direct its attention and energies to the education and general improvement of the native children; and consequently, the only feasible and desirable plan that it can pursue would be the establishment of native institutions in the most suitable localities of the colony.

It is clear that the Queensland government was influenced by this popular sentiment which stressed that Aboriginal children should be removed from their family groups. Queensland is a particularly important colony to consider when charting the development of policies of Indigenous child removal because this colony was the first in Australia to pass legislation that allowed for the removal of Aboriginal children solely on racial grounds. The piece of legislation that allowed the removal of Indigenous children from their family groups on racial grounds was the Industrial and Reformatory Schools Act of 1865.
was an onus on the state to prove that European children removed from their parents under this Act were neglected, under section seven of the Act, all Aboriginal children in the colony were automatically declared neglected with no requirement of proof. The Aboriginal Protection and Restriction of the Sale of Opium Act of 1897, passed 32 years after the Industrial and Reformatory Schools Act of 1865, merely reiterated that all Aboriginal children in the colony were automatically neglected children and that the state was empowered to remove them from their family groups without justification. Again, this forced removal very clearly fits into the definition of genocide that was advanced in the Convention on the Prevention and Punishment of the Crime of Genocide by the United Nations in 1948. The devastation that these policies of removal caused to both Aboriginal children and their family groups is unimaginable.

The “reformatory conviction” concept clearly influenced members of the Queensland government and was a prime motivation behind Indigenous child removal in that colony. Indeed, a mere ten years after free settlement was declared in the Moreton Bay District, prominent government officials were discussing the removal of Aboriginal children as a means of “dealing” with the Indigenous population of the colony. In 1852, WA Duncan, the first Collector of Customs in Brisbane, acting on the instructions of the Colonial Secretary, forwarded a letter to the Secretary of the Board of National Education in Sydney, offering his views on schemes to “improve” the position of Australian Aborigines. Duncan was adamant that child removal was crucial to any plan to ameliorate the condition of Queensland Aborigines. He expressed his belief that Aborigines would be “gradually swept from the earth by disease and violence” unless their children were removed from their parents, educated in European ways and “christianized.” He argued that child separation and manual re-education were essential as:

so absolute is the control of the parents, and older relatives of the children, over all their acts, and so numerous are their ceremonies, sports and exercises, from which they dare not absent themselves, that unless the connection between old and young is completely severed—an act repugnant at first view to all our social and political notions,—there is, I am convinced, no human power of civilizing or even of perpetuating the race, who, while they are rapidly disappearing by disease and other causes, receive but little increase in the natural way, in consequence of the promiscuous intercourse of their women with the white men.

Duncan strongly believed that a reformatory education should be forced onto these children. His letter contained a considerable level of detail about a proposed scheme. He noted that it would be necessary to keep separated Aboriginal children in an industrial school until they had received an elementary education and were well instructed in some branch of agricultural industry (say, for example, cotton growing for the boys, and cotton picking for the girls). Upon puberty, “which for them is early,” the children could be married to other Aboriginal children who had been similarly incorporated into the European system. At the close of his letter, Duncan once again repeated his argument in very clear terms. He asserted “the breaking up of the tribe habits, superstition and influence, by the withdrawal of the young of both sexes, to me seems to me the first and necessary
step.” If a broad definition of genocide is used, then Duncan’s language could be labelled genocidal.

It is obvious that the intensity of racial thought in Queensland had much to do with the drafting of legislation promoting the removal of Indigenous children from their family groups. Raymond Evans argues that removal policies grew more from a terror of intermixing between Aboriginal and European people than from humanitarian concerns. As Dawn May and Henry Reynolds point out, Queensland separated from New South Wales in 1859, the same year that Charles Darwin published *Origin of the Species*. Scientific racism, eugenic thought and a fear of “racial contamination” were rampant in Queensland in the later half of the nineteenth century. The focus on “breaking up” the habits of traditional Aboriginal groups and the removal of “half-caste” Aboriginal children from Aboriginal groups must be seen as a means of “dealing” with the “problem” of “half-caste” Aboriginal children. As Anna Haebich explains, colonists in colonial Australia believed that the fact that so-called “half-caste” Aboriginal children had some European parentage meant that there was a lowly place for them in non-Indigenous society.

The popularity of the ideology of separating Aboriginal children from their parents and retraining them in industrial labour must also be viewed a response to European anxieties about Aboriginal resistance and dispossession. As Raymond Evans points out, frontier conflict was more pronounced and intense in Queensland than in the southern colonies. He attributes the strength of Aboriginal resistance to a high Indigenous population density and their awareness that Europeans from the southern colonies were slowly encroaching on their lands. There is much evidence that European concerns about the Indigenous threat increased significantly in the 1850s and 1860s. Certainly, the 1851 Hornet Bank massacre, where members of the Jiman Aboriginal group killed 11 European settlers in a reprisal attack, and the 1861 Cullin-La-Ringo massacre, where 19 out of 22 settlers were killed, caused much alarm and subsequent debate amongst colonists. Aside from these two major massacres occurring as pastoralists pushed out into central Queensland, the beginnings of exploration into the north of Queensland resulted in of further violent conflict.

While aggressive frontier warfare still caused fear and uncertainty in the more unsettled parts of the colony in the late 1850s and 1860s, colonists in the secure reaches of Queensland in this era became increasingly perturbed by the visible results of dispossession. There is a considerable amount of contemporary evidence to indicate that Aboriginal groups decimated by the impact of contact were an increasingly visible presence in Brisbane at this time. Their presence on several fringe-camps on the outskirts of the town drew the attention of both humanitarians concerned about their condition and others who found their proximity threatening and offensive. Complaints of this nature continued to be publicly voiced from the 1860s up until the 1890s, when Queensland passed its restrictive and controlling *Aboriginals Protection and Restriction of the Sale of Opium Act of 1897*, which forced a considerable proportion of Queensland’s Indigenous population onto missions and reserves.
The link between fears of Indigenous resistance and the “problem” of Indigenous dispossession and child removal became particularly obvious in 1861, when a letter advocating the separation of Aboriginal children from their parents was published as an Appendix to an enquiry into the colony’s Native Police Force. This enquiry contained a significant amount of correspondence from settlers arguing that the Aboriginal “problem” could not be solved unless their children were taken from them and were inculcated with European ways. One prominent selector, Leonard Lester, argued that Aboriginal people could never be instructed “unless their children were taken from them by force.”

Missionary activity also influenced the legal attempts to remove Aboriginal children from their family groups. By the time that free settlers pushed up into Queensland in the 1840s, the influence of missionaries and humanitarians was greater than it had been when the southern colonies were settled. The 1850s and 1860s also saw an increase in the visibility of missionaries in the Moreton Bay District. The most well known of these was the Aborigines Friends Society, formed in 1855 by the Presbyterian, Reverend W. Ridley. Although this society failed within two years, it did inspire the establishment of the Aboriginal Protection Societies or Aboriginal Friends committees in Ipswich, Brisbane, Warwick and Toowoomba by the early 1870s.

As was previously mentioned, the idea of removing the children of “problem” populations had its origins with religious groups in eighteenth century Britain and these ideas were also expressed in New South Wales. This considered, it is not surprising that members of these religious groups and missionary societies chose to direct particular attention to Aboriginal children in Queensland. In 1861, when the Colonial Secretary, Robert Herbert, debated passing an Act which would permit the removal of Aboriginal children from their families, he directly cited missionary opinion and noted that missionaries active in Queensland had expressed the “opinion that the only way it would be possible to deal with half-caste and black children would be send them to the Industrial Schools—there was no other way of dealing with them.”

It is also clear that individual personalities played an instrumental role in the drafting of the 1865 legal clause which allowed for the removal of Aboriginal children from family groups on racial grounds. In particular, the member for Maryborough, William Walsh, played a decisive part in the drafting a passage of the clause which allowed the removal of Aboriginal children from their family groups without justification. David Denholm and H.J. Gibney have described Walsh as “gauche, nasty, devious, highly egocentric and prone to strident appeals to English tradition.” It is difficult to understand the exact factors that attracted Walsh to policies advocating the removal of Aboriginal children from their families. He himself cited humanitarian concerns and his fear that “half-caste” children might grow up with Aborigines. The Brisbane Courier provided the following account of Walsh’s comments and reception in the Legislative Assembly:

Mr. Walsh thought that something should be done to bring half-castes under the operation of the bill, even if force had to be resorted to. Mr. Miles, Dr. Challinor and Mr. Douglas
followed on the same side, and the Colonial Secretary replied that the Government were anxious to provide as far as they were able for the unfortunate race alluded to by Mr. Walsh.70

While Walsh was only concerned with “saving” “half-caste” children, other members of the Legislative Assembly believed that provisions should be included to allow for the removal of “full-blooded” Aboriginal children from their parents. The former explorer and member for Albert River in the Gulf of Carpentaria district, William Landsborough, was the first to suggest that the Act should be applied to “[A]boriginal children as well as half-castes.” Landsborough argued that “much good might be done to them by having them brought up along with white children.”71 The Colonial Secretary responded enthusiastically to Landsborough’s suggestion, noting that he hoped one of the effects of the Bill might “be hoped to be the conversion of many unfortunate and vagrant children into useful citizens of the state.”72

Following further discussion on the benefits to the state of bringing “criminal” children under control, members of the Legislative Assembly moved on to debate other Bills and issues. The clause, which allowed for the removal of Aboriginal children from their family groups with no justification other than racial background, subsequently became law. While this article does not focus directly on the scale of Indigenous child removals that followed this Act in Queensland, it is important to note that once the 1865 Act received assent, it was frequently invoked by government officials, particularly with regard to those children labelled “half-castes.”73 As mentioned earlier, in 1881, the Colonial Secretary, Arthur Palmer, attempted to use the Act to separate every single “half-caste” Aboriginal child in the colony from their parents. Palmer74 issued a proclamation ordering the arrest of every half-caste Aboriginal child in colony.75 Aboriginal children arrested under these provisions were to be detained at reformatory schools at Toowoomba or Lytton, or if “too young for detention” were to be sent to the nearest orphanage.76 Unfortunately, the records of admissions to Queensland reformatories and orphanages were so poorly maintained that it is impossible to chart the number of Aboriginal children who were removed from their family groups as a result of Palmer’s actions. It is clear, however, that with this 1881 public statement, the Queensland government demonstrated unequivocally its belief that every single “half-caste” Aboriginal child in the colony should be removed from their parents solely because of their racial classification. The 1865 Act gave them the formal legislative grounds to follow this policy. Of all Indigenous child removal practices conducted across colonial Australia by government officials, this is perhaps the most clearly genocidal in nature.

These official moves to legally separate Aboriginal children from their family groups by invoking the 1865 clause appeared to gain public support. The Queenslander applauded this official course of action, arguing that “this section of the community ... could be utilized to a great extent were steps taken to remove them from the influence of their mothers.”77 Following the large-scale establishment of Aboriginal missions and reserves in the late 1890s, Aboriginal children
instead were sent to these institutions. Rosalind Kidd has studied the conditions of these missions and reserves and has found that they were drastically under-funded, segregated Aboriginal children from their family groups and violated their human rights. Again, the impact of forced removals—with the denial of cultural and family connections—appears to fit into the definition of genocide contained in Article II of the Convention on the Crime of Genocide.

When the Queensland colonial government implemented its Industrial and Reformatory Schools Act of 1865, it became the first Australian colony to give licence for the official removal of Indigenous children based upon no other criterion than their Aboriginal parentage. Until its repeal in 1911, the 1865 Act constituted the primary mechanism for the enforcement of the government’s fledgling assimilationist policy, which was to guide much its relations with Indigenous peoples throughout the twentieth century. This was achieved by arbitrarily declaring all children born of an Aboriginal or “half-caste” Aboriginal mother, to be neglected.

In 1897, when the Queensland colonial government drafted The Aboriginals Protection and the Restriction of the Sale of Opium Act, the colony’s first major legislative initiative to deal exclusively with Aboriginal people, it continued to promote removal as a means of control. While the 1865 Act had focused on exclusively on child removal, the 1897 Act promoted the removal of all Indigenous peoples regardless of age as a means of dealing with this section of the population. In a very real sense, under this 1897 legislation, the Queensland government treated all Aboriginal people as children by awarding itself guardianship and control of Indigenous people regardless of their age. Thom Blake argues that “the removals program came to be one of the principal means of controlling and dominating the states indigenous population.”

The 1897 Act, and subsequent amendments, came to form the cornerstone of Queensland’s “protectionist” policy regarding Indigenous Australians until 1965. In addition, the Act served as a model for similar legislation in Western Australia, South Australia and the Northern Territory. It was under its provisions that many “Stolen Generations” were forged. The 1897 Act represented a significant acceleration in the government’s protectionist policy regarding Indigenous children, as it sanctioned the summary removal of any “half-caste” child to the age of 16. According to the historian Anna Haebich, however, a definitional loophole in the Act meant that “half-caste” children who were not living with Aborigines could not be removed under the new legislation. Consequently, the 1865 Act continued to be widely used until its discriminatory clause was repealed in 1906 and Aboriginal children could be removed under increased powers the state had over Aboriginal lives.

The birth of the 1865 Queensland legislation had its ideological foundation in the eighteenth century British philosophy which stressed the importance of reforming “problem populations” through child removal. This ideological grounding was provided with further impetus by certain social factors that were unique to the colony and aided its comparatively early adoption of such a policy. Of primary importance was the concern over mounting Indigenous resistance to the expanding
frontier. This was coupled with the desire of many humanitarians and missionaries to facilitate what they felt to be the amelioration of Aboriginal people, as well as the role that certain parliamentarians played in championing the crusade for Indigenous child removal. The combination of these factors led to the creation of the Industrial and Reformatory Schools Act; a legislative initiative that bestowed upon Queensland the dubious reputation of being the first colony to formulate a comprehensive official policy of Indigenous child removal. This set the scene for the ensuing century, marred by the gross violation of the civil and human rights of Indigenous Australian children.

Although Queensland was the first Australian colony to implement legislation specifically designed to enable the removal of Aboriginal children from their family groups exclusively on racial grounds, other colonies were quick to adopt similar policies. In 1865, when the Queensland colonial government elected to allow the passage of the Industrial and Reformatory Schools Act through the Legislative Assembly, it was not the first colony to enact legislation pertaining to the welfare of children or indeed that of Indigenous children. It was however, the first to pass legislation allowing for the removal of Aboriginal children from their parents for no other reason than being of Aboriginal heritage. Queensland legislature extended the limits of legislation already in force in South Australia. In that colony, ironically noted for its more humanitarian attitude towards Aborigines, Aboriginal children could be removed from their parents only when there was a breach of other conditions pertaining to child welfare. In 1844, the South Australian government passed An Ordinance for the Protection, Maintenance and Upbringing of Orphans and Other Destitute Children Act, which made the Protector of Aborigines the legal guardian of every “Aboriginal or half-caste” whose parents were deceased or unknown, or whose parents voluntarily agreed, until the age of 21. It also provided that any two justices, with the consent of the governor and one of the parents, could apprentice “any half-caste or other [A]boriginal child having obtained a suitable age,” provided that certain standards of care could be met. While this Act did provide the foundations for large-scale Indigenous child removal in that colony, it did not specifically permit the removal of Aboriginal children solely on racial grounds. Government officials wishing to remove Aboriginal children living in South Australia did at least have to profess that they had obtained parental consent or that the children were orphaned. This is strikingly different to the Queensland state of affairs.

In 1864, two decades after South Australia passed its legislation allowing for the removal of Aboriginal children under certain circumstances, the Victorian Government passed a similar Act that also allowed it to remove Aboriginal children if certain conditions apart from racial criteria were met. This piece of legislation, the Neglected and Criminal Children’s Act of 1864, provided for the establishment and regulation of industrial and reformatory schools for neglected children. Just as in other parts of Australia, schemes focusing on “child saving” through the removal of children from situations perceived as immoral and their subsequent industrial training had been mentioned by settlers since the start of British settlement.
This 1864 Victorian piece of legislation proved to be the first Act to establish industrial and reformatory schools in Australia, and it appears to have been incredibly influential in following drafts concerned with children.\textsuperscript{91} It is highly likely that this piece of legislation set a precedent for the creation of Queensland’s \textit{Industrial and Reformatory Schools Act of 1865} and a \textit{Western Australian counterpart}, the \textit{Industrial Schools Act of 1874}. The Western Australian Act was similar in nature to the 1844 South Australian initiative, in so far as no Indigenous child could be committed to institutional care without the consent of a parent or guardian except in the case of the child being orphaned.\textsuperscript{92} The Victorian and Queensland Acts of 1864 and 1865, respectively, however, only required that a child be deemed “neglected” for the purposes of those acts, in order to qualify for institutionalization in such industrial and reformatory schools. Unlike Queensland, neither Victoria nor Western Australia included a provision that allowed for the removal of Aboriginal children solely because of their racial background.

Historians will probably never be able to determine the exact number of Aboriginal children who were forcibly removed from their family groups in colonial Australia. In the nineteenth century, Aboriginal groups had to contend not only with an increasingly meddling and controlling government but with large numbers of individual settlers who wanted to steal their children and exploit their labour. During the colonial period, Europeans treated Aboriginal children as if they owned them. While exact figures on the “Stolen Generation” may be difficult to obtain, we can be certain that large numbers of Aboriginal children were violently removed from their family groups by colonists and were often subsequently forced to work under extremely exploitative conditions.\textsuperscript{93}

Patrick Wolfe has argued that by the early decades of the twentieth century:

the abduction of Aboriginal children was becoming central to the state-forming strategy of the fledging Commonwealth of Australia, a national amalgam of previously distinct colonies that had only been constituted in 1901.\textsuperscript{94}

This is a particularly pertinent point to consider when questioning whether the removal of Aboriginal children from their family groups in the colonial era constituted a form of genocide. All the Australian colonies developed Indigenous legislation independently from each other during the nineteenth century, yet as this article has explained, much of the same ideology and many of the same fears guided the formulation of Indigenous policy. If “forcibly transferring children of [one] group to another group” is considered genocide, as described by Article Two of the Convention of the Crime of Genocide, then genocide certainly happened in colonial Australia.\textsuperscript{95} Overall, it is the colony of Queensland which appears to have most strongly condoned and practiced the removal of Aboriginal children from their family groups. The Queensland case is particularly significant because there is legislative evidence that the Queensland government itself advocated such removals. There is ample evidence to suggest that this was, at least in part, conducted with the intention of “solving” an Indigenous “problem” by integrating Aboriginal children into the lower echelons of white society at the expense of their Indigenous heritage. It is interesting to note that Henry Reynolds and
Raymond Evans have both argued that frontier violence in Queensland—as opposed to other Australian colonies—most clearly fits into a genocidal framework and this also appears to be the case with the topic of Indigenous child removal. Although this article has made some observations about the links between genocide and Indigenous child removal, as more and more studies of the policies of individual colonial colonies are conducted, greater elucidation will be provided on the overall links between genocide and Indigenous child removal in Australian history.

Notes and References


6 Mary Carpenter, Reformatory Schools for the Children of the Perishing and Dangerous Classes and for Juvenile Offenders (London: C. Gilpin, 1851) and F. Hill, Children of the State: The Training of Juvenile Paupers (London: Macmillan, 1868).


9 Rosalind Kidd, The Way We Civilise (St Lucia, Queensland: University of Queensland Press, 1997).


11 Ibid.

12 Windschuttle, “The fabrication of the Aboriginal death toll.”


16 Peak Downs Telegram (Claremont), March 7, 1875, p 2.

17 For an excellent introduction to this debate, see Attwood and Foster, eds, Frontier Conflict: The Australian Experience.


22 Ibid.

23 Ibid.


28 Ibid.

29 Kidd, The Way We Civilise.


31 Perhaps the best known of these moral retraining associations is the Female School of Industry that existed in Sydney from 1826 to 1847.

32 Kidd traces the Queensland application of this rationale in The Way We Civilise, pp 18–35. More recently, Haebich has examined the application of this rationale in colonial Australia in Broken Circles.

33 Sydney Gazette, August 11, 1810, p 2.


35 Ibid.

36 Sydney Gazette, December 30, 1820, p 3.

37 For more on this school see J. Brook, The Paramatta Native Institution and Black Town: A History (Kensington, New South Wales: University of New South Wales Press, 1991).

38 Sydney Gazette, April 17, 1819, p 2–3.

39 Sydney Gazette, December 30, 1820, p 3.

40 This point is also argued by R.H.W. Reece in Aborigines and Colonists: Aborigines and Colonial Society in New South Wales (Sydney: Sydney University Press, 1974), pp 62–103. For further examples of how widespread this argument was in New South Wales during this era see George Arden, “Civilization of the Aborigines,” Arden’s Sydney Magazine, October 1843, pp 65–82. Arden discussed a system of “coercive education and employment.” In order that this system should succeed, Arden also advocated the removal of Aboriginal children from their parents.

41 Peter Cunningham, Two Years in New South Wales, Vol 2 (London: H. Colburn, 1827), p 44.


Moreton Bay Courier, October 30, 1852, p 4.

Moreton Bay Courier, June 12, 1860, p 2.

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Raymond Evans, Fighting Words: Writing about Race (Brisbane: University of Queensland Press, 1999), 117.


Haebich, For their Own Good: Aborigines and Government in the Southwest of Western Australia, 1900–1940, p 48.

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See, for example, Moreton Bay Courier, April 19, 1856, p 2 and Moreton Bay Courier, April 24, 1858, p 2.

J. O’Connell Bligh, Rockhampton, to the Colonial Secretary, Brisbane, in letter no 3038 of 1861, COL/A23, Queensland State Archives.

Queenslander, January 9, 1869, p 5; Queenslander, January 16, 1869, p 7; Queenslander, February 6, 1869, p 5; Queenslander, February 6, 1869, p 8. See also Noel Loos, Invasion and Resistance: Aboriginal–European Relations on the North Queensland Frontier, 1861–1897 (Canberra: Australian National University Press, 1982).

See, for example, Moreton Bay Courier, October 28, 1854, p 2; Moreton Bay Courier, December 11, 1858, p 2; Moreton Bay Courier, December 20, 1859, p 2; Moreton Bay Courier, June 27, 1860, p 2 and Moreton Bay Courier, February 12, 1859, p 2.

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See, for example, Brisbane Courier, January 31, 1877, p 3; Brisbane Courier, February 10, 1877, p 5; Queensland Figaro, July 5, 1884, p 8; C.A. Forster to IPI Mackay, July 21, 1885, COL/A437, Queensland State Archives.


Rowley notes the increasing influence of British and southern humanitarians in the second half of the nineteenth century in The Destruction of Aboriginal Society, Vol 1, p 174.

Serle, ed., Australian Dictionary of Biography (Carlton, Victoria: Melbourne University Press, 1966), Vol 6, p 29; Moreton Bay Courier, August 11, 1855, p 3; Sydney Morning Herald, November 24, 1855, p 2; Moreton Bay Courier, January 19, 1856, p 3; Moreton Bay Courier, March 22, 1856, p 3; Moreton Bay Courier, March 29, 1856, p 3; Moreton Bay Courier, March 14, 1857.


Brisbane Courier, June 24, 1865, p 4.

Serle, Australian Dictionary of Biography, 348.

Brisbane Courier, June 24, 1865, p 4.

Queensland Parliamentary Debates, July 6, 1865, p 316.

Ibid.


In Queensland Parliament, Arthur Palmer once argued that Europeans were “superior animals and could beat” Aborigines down to prove this. In fact, Palmer believed that “the only way to keep” Aborigines “down was by using a firm hand.” Queensland Parliamentary Debates, Vol 33, 1880, p 1137.

Government Gazette, Vol 29, No 73, October 29, 1881, p 1042.

Ibid.

Queenslander, November 5, 1881, p 593.


83 Ibid.
85 Evans, Fighting Words, p 112.
88 For an interesting consideration of the relationship between children and the state and the law, see Bob Bessant, ed., Mother State and her Little Ones: Children and Youth in Australia (Melbourne: Centre for youth and Community Studies, 1987).
92 For more on the Western Australian legislation, see P Garrick, “Children of the poor and industrious classes in Western Australia, 1829–1880,” in: Penelope Hetherington, ed., Children and Society in Western Australia, pp 13–25 (Perth: University of Western Australia Press, 1988).
93 See Hetherington, Settlers, Servants and Slaves and Robinson, Something like Slavery? Queensland’s Aboriginal Child Workers.

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