# When Will the Stolen Generations End?
# A Qualitative Critical Exploration of Contemporary 'Child Protection' Practices in Aboriginal and Torres Strait Islander Communities

**Leticia Funston, Sigrid Herring & ACMAG**
Education Centre Against Violence, New South Wales Health

The rate of Aboriginal and Torres Strait Islander children currently being removed from their families into Out of Home Care (foster care placements) by the statutory child protection system is unprecedented in Australia. This mass removal of Aboriginal and Torres Strait Islander children bears an uncomfortable resemblance to Australia's colonial era and specifically to the policies and practices that gave rise to the *Stolen Generations*. This article utilises *The Circles of Acknowledgement Wheel*, a qualitative, Indigenous research methodology developed by the Aboriginal Communities Matter Advisory Group (ACMAG) which incorporates the perspectives of Aboriginal and Torres Strait Islander educators and the perspectives of community members who have engaged with Education Centre Against Violence (ECAV) educators through the Strong Aboriginal Women, Strong Aboriginal Men, Domestic and Family Violence and Sexual Assault training programs. The key themes and recommendations explored in this article are primarily derived from two Yarning Circles (Aboriginal Professional Development Circle) held at the ECAV in 2013 and 2014 and a meeting with the ACMAG in 2014. In addition, this article is also informed by the activist work of the Kamilaroi and Gadigal based Grandmothers Against Removals (GMAR) campaign, which was formed in January 2014 "in an effort to highlight the process of removal used by the New South Wales Department of Family and Community Services" (Grandmothers Against Removals, 2014). Out of Home Care and the under-resourced Kinship care system, limits opportunities for young Aboriginal and Torres Strait Islander children to connect with their kin and extended family networks and cultural heritage. Out of Home Care is also associated with early entry into the juvenile justice system and partially explains the overrepresentation of Aboriginal and Torres Strait Islander young people in juvenile detention. Children and young people in institutional care settings are at heightened risk of emotional, physical and sexual assault. The authors of this paper urge state and federal governments to alleviate poverty and the chronic under-resourcing of Aboriginal-led services to support families and communities living at the traumatic intersection between ongoing oppression, poverty and violence. By rendering visible some of these systemic and colonially rooted problems, this article aims to contextualise key recommendations for changing the child protection system and for building the capacity for embedding Aboriginal *Worldviews* within child protection, health and violence prevention sectors.

On February 13 2008, the former Prime Minister, Kevin Rudd, delivered a formal apology to the Aboriginal and Torres Strait Islander survivors of the Stolen Generations and for past Australian Governments' involvement in child removal practices, promising "a future where this Parliament resolves that the injustices of the past must never, never happen again" (Rudd, 2008). However, the rate of Aboriginal and Torres Strait Islander children currently being removed from their families and their country into Out of Home Care (foster care) placements is higher than the rate of removal during the *Stolen Generations* (Gibson, 2013). The rate of Aboriginal and Torres Strait Islander child removals has increased exponentially across all states and territories since the release of the *Bringing them home report: Report of the national inquiry into the separation of Aboriginal and Torres Strait Islander children from their families* (Human Rights Commission, 1997) which warned that the child protection system of the time was in danger of replicating the dynamics of the Stolen Generations. As at June 30 2014, there were 14,991 Aboriginal and Torres Strait Islander children in Out of Home Care placements nationally (Australian Institute of Family Studies, 2015). This is approximately ten times higher than the national average for non-Aboriginal children who have been removed from families based on 'substantiated' reports of abuse and or neglect (Australian Institute of Family Studies, 2014; Steering Committee for the Review of Government Service Provision, 2013). This article provides a critical exploration of contemporary child

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Correspondence: Leticia Funston, Address: NSW Health Education Centre Against Violence, Cumberland Campus, Locked Bag 7118, Parramatta, NSW 2124. Email: lfun3269@uni.sydney.edu.au

removal practices in Aboriginal and Torres Strait Islander communities.

The Stolen Generations refers to the period in Australian history where an estimated 100,000 Aboriginal and Torres Strait Islander children were forcibly removed from their families, in the period between 1910-1970 by statutory welfare bodies and church missionaries (Human Rights Commission, 1997). While Aboriginal and Torres Strait Islander children had been stolen from their families since the colonial invasion and occupation in 1788, the Stolen Generations were facilitated by explicit federal and state policies (Lindqvist, 2007). The mass removal of Aboriginal and Torres Strait Islander children was an attempt to 'merge' or to 'breed out' Aboriginality through a process of assimilation into white society. The policies specifically focused on the removal of children of mixed descent, those of both Aboriginal heritage and non-Aboriginal, Anglo-European heritage, as it was thought that these children would assimilate into white culture and society if placed with white families (Human Rights Commission, 1997). It is important to acknowledge that all Aboriginal and Torres Strait Islander families were impacted by these policies regardless of whether or not children were taken during this period. Aboriginal families lived with the fear of their children being abducted by welfare workers and police, often having to hide their children (Human Rights Commission, 1997).

Many survivors of the Stolen Generations have disclosed being subjected to labour exploitation, emotional abuse, sexual and physical assaults perpetrated by white family members, mission and welfare personnel with whom they were placed. Most Stolen Generations victims/survivors were denied any connection to their Aboriginal lands, *Worldviews*, languages and cultures with many only learning of their Aboriginal heritage as adults. Whilst these child removal policies and statutes officially ended in the 1970s it is within living memory of many of the survivors and their kin.

The forced removal of children from one socio-cultural group to another group is recognised as a crime of genocide under Article Two of the United Nations Convention on the Crimes of Genocide (United Nations General Assembly, 1948). The following text from an article in Brisbane's Telegraph newspaper in May 1937 exemplifies the genocidal intent behind the mass removal of Aboriginal children:

Mr Neville, the Chief Protector of Western Australia, holds the view that within one hundred years the pure black will be extinct. But the half-caste problem was increasing every year. Therefore, their idea was to keep the pure blacks segregated and absorb the half-castes into the white population

(Buti, 1995 as cited in Australian Human Rights Commission, 1997, p. 24).

While Kevin Rudd (2008) acknowledged "the pain, suffering and hurt of these Stolen Generations, their descendants and for their families left behind" in the National Apology, any explicit reference to genocide and therefore to financial compensation for survivors was avoided. Genocide historian, Sven Lindqvist poses the question, "can the admission of historic debt or guilt foster new cooperation between the perpetrator and the victim to throw off the curse of the past?" (Lindqvist, 2007, p. 210). Many commentators have argued that acknowledgement alone is not adequate for healing or for systemic change. For example, the Aboriginal activist slogan *Saying Sorry Means You Don't Do It Again* has been used extensively during recent Grandmothers Against Removal Campaign (2014), to criticise the apparent hypocrisy of the National Apology in the context of the alarmingly rate of Aboriginal children who are being removed under the modern Australian child protection system. Similarly, Nicole Watson (2011) argues that many contemporary Australian policies and state interventions designed to respond to child abuse, domestic and family violence in Aboriginal and Torres Strait Islander communities continue to replicate colonial dynamics. Watson gives the example of the *Northern Territory Emergency Response* (NTER) which was introduced in 2007 in response to the *Ampe Akelyernemane Meke Mekarle, Little Children Are Sacred Report* (Northern Territory Board of Inquiry into the Protection of Aboriginal Children from Sexual Abuse, 2007) which reported that *child sexual assault* (CSA) and family violence were highly prevalent in rural and remote Aboriginal communities in the Northern Territory. The authors of this report emphasise in their recommendations, "the critical importance of governments committing to genuine consultation with Aboriginal people in designing initiatives for Aboriginal communities, whether these be in remote, regional or urban settings" (Northern Territory Board of Inquiry into the Protection of Aboriginal Children from Sexual Abuse, 2007, p. 21). Unfortunately the NTER policies were implemented without meaningful community consultation. Instead, the federal government unleashed a raft of policies on Aboriginal communities including; changes to Aboriginal land permits, the compulsory acquisition of land and community assets, restrictions on alcohol and pornography, welfare quarantining (income management) and the abolition of the Community Development Employment Projects scheme. None of these so called 'special measures' were explicitly concerned with improving the safety, health and wellbeing of Aboriginal women and children. Nor were these policies geared to address the systemic causes of

violence in communities; entrenched poverty and the effects of ongoing colonial violence and institutional racism. The government also failed to fund "programs to develop parenting skills and community education to break the cycle of violence and intergenerational trauma" (Watson, 2011, p. 148). For Watson, the way Australian governments of the past and present have deployed "interventions in the name of protecting Aboriginal women (and children) invariably resulted in increased regulation, surveillance and diminished rights" (Watson, 2011, p. 148). Drawing from this analysis, this article considers the ways in which current child protection practices mirror the dynamics and the impacts of the Stolen Generations.

*The Circles of Acknowledgement Wheel Methodology*

Aboriginal and Torres Strait Islander people have often been treated as the objects of research rather than as the "active experts of their lived reality" in control of the research design, questions process and dissemination of the research results (Smith, 1999, p. 29). Methodology itself influences outcomes lived and felt in communities (Kovach, 2012, p. 13) and as such Aboriginal and Torres Strait Islander educators at the Education Centre Against Violence (ECAV), a health service located in New South Wales in conjunction with the ACMAG, developed The *Circles of Acknowledgement Wheel*, a qualitative research methodology that aims to; 1) build cultural safety within the ECAV organisation and with communities engaging in the ECAV education and training 2) acknowledge the collective contribution of Aboriginal and Torres Strait Islander communities and workers in the research processes from project planning to data analysis and publication. This methodology incorporates the perspectives of Aboriginal and Torres Strait Islander educators from the ECAV organisation and the perspectives of community members who have engaged with the ECAV educators through a range of training programs including; Strong Aboriginal Women, Strong Aboriginal Men, Domestic and Family Violence and Sexual Assault response programs. This research methodology is primarily supported by the Aboriginal Communities Matter Advisory Group (ACMAG) based at the ECAV. Yarning Circles (similar to group discussions) are held to inform the strategic direction of the Aboriginal and Torres Strait Islander training programs and to set the research priorities at the ECAV. Members of the ACMAG hold professional knowledge and practice experience with child protection, domestic and family violence and sexual assault sectors and many have lived experiences of violence and oppression. The ACMAG members also engage with a wide range of Aboriginal communities that they deliver training to and communities that they have personal connections with. The Circles of Acknowledgement Wheel provides a graphic representation of the complex and dynamic knowledge base that has evolved through these connections.

The key themes and recommendations explored in this article are primarily derived from two Yarning Circles (Aboriginal Professional Development Circle) held at the ECAV in May 2013 and May 2014 and a meeting with the Aboriginal Communities Matter Advisory Group (ACMAG) held in November 2014 at the ECAV. The yarning circles and the ACMAG meeting were recorded by a research assistant who provided written transcriptions of each discussion. The yarning circles focused on contemporary instances of ongoing colonisation, assimilation and racism in the context of child protection. The yarning circles also focused on the the significance of Aboriginal Worldviews in child protection and violence prevention practice.

## Key Themes

The Intersections between Genocide, Intergenerational Trauma and Violence:

Members of the ACMAG committee consistently argued that many Aboriginal and Torres Strait Islander people are genocide survivors who are profoundly affected by intergenerational trauma. The idea that genocide trauma can be transmitted "within and across generations" (intergenerational trauma) is offered as an explanation for "family violence and the high prevalence of grief, loss and substance misuse" in Aboriginal and Torres Strait Islander communities in Australia (Atkinson, Nelson, & Atkinson, 2010). Intergenerational trauma is also used as a framework for understanding the phenomenon of victims of violence who later become perpetrators of violence (Atkinson, Nelson, & Atkinson, 2010). However, this should not be taken to mean that all survivors of interpersonal or intergenerational trauma inevitably become perpetrators, rather to highlight the complex relationship between victimisation and violence that often occurs in communities of people who have and who are surviving genocide and other forms of political violence. Caroline Atkinson's (2008) PhD research project involved qualitative interviews with Aboriginal adult male identifying prisoners, who were convicted of committing violent assaults. Atkinson reports that through the medium of personal *geno-histograms* work, most of the male participants disclosed they had been physically assaulted as children and revealed that relatives within two and three generations were subjected to massacres, dispossession, the Stolen Generations, acculturative stress, racism and assimilation (Atkinson, 2008).

ACMAG members argue, that given the ongoing impacts of intergenerational trauma and oppression in Aboriginal and Torres Strait Islander communities, child

protection strategies need to be geared towards supporting family and community members by focusing on their strengths and Aboriginal Worldviews. Similarly, Elder Aunty Hazel Collins from the Kamilaroi GMAR Campaign recently stated "Aboriginal Self-determination is the answer to this crisis [of Aboriginal children placed in Out of Home Care], we want to see Aboriginal families and services making the key decisions about our children" (Collins, 2014). However the current child protection system is funded to provide acute crisis intervention rather than preventative, long term, Self-determining community-controlled support systems. Although child removal is intended to be a last resort, families have disclosed that the first point of contact with child protection systems was when workers arrived to remove a child or children (Pilger, 2014). Some Aboriginal women living regionally and remotely have reported feeling too intimidated to give birth in local hospitals, anticipating that welfare workers would be waiting to take children (Shoebridge, 2014). Aboriginal mothers often experience intensive pressure from child protection workers to leave a violent partner or family or risk losing her child or children. These experiences bear a very close resemblance to the testimonies provided by Stolen Generations survivors which informed the *Bringing Them Home Report* (Australian Human Rights Commission, 1997). This report states that it was "common practice simply to remove the child forcibly, often in the absence of the parent but sometimes even by taking the child from the mother's arms" (Australian Human Rights Commission, 1997, p. 5).

*Mistaking Poverty for Neglect*

Concerns have been raised by Aboriginal and Torres Strait Islander community members, educators and GMAR activists that under-trained, non-Aboriginal child protection workers may be misidentifying neglect and removing Aboriginal children who, despite living in poverty, may have very strong and healthy bonds to their parents, extended family and community members (Gibson, 2013; Hughes, 2006). It is important to remember that after the 1940s under the child welfare law, children had to be found to be "neglected", "destitute" or "uncontrollable"', in order to be removed, however "these terms were applied by courts much more readily to Indigenous children than non-Indigenous children as the definitions and interpretations of those terms assumed a non-Indigenous model of child-rearing and regarded poverty as synonymous with neglect" (Australian Human Rights Commission, 1997, p.27). Similarly today, there is a distinct trend for Aboriginal children to be removed from their families based on substantiated reports of "neglect" (Steering Committee for Review of Government Service Provision, 2013). In

contrast, non-Aboriginal children are more likely to be removed following substantiated reports of emotional abuse, physical and sexual assault (Australian Institute of Family Studies, 2013). The high rates of "neglect" can be attributed to severe poverty and chronic under-resourcing of Aboriginal communities especially those located outside of urban centres (Douglas & Walsh, 2013). For instance many children are removed for living in overcrowded housing, however "housing shortages are a particular concern in Indigenous communities" (Douglas & Walsh, 2013, p. 78).

*Discounting Aboriginal Worldviews and Child-Rearing Practices*

Members of the ACMAG committee described experiencing their Worldviews about parenting and grand-parenting discounted or erased by the dominant white Western nuclear family model in health and violence prevention services. In the context of contemporary child removal practices, members of ACMAG and activists from the GMAR campaign argue that child protection workers continue to view Aboriginal and Torres Strait Islander collectivist child rearing practices as pathological.

Aboriginal and Torres Strait Islander people have a diverse and distinctive child rearing practices in comparison to the Anglo-Western paradigm of child-rearing. For instance, an ethnographic study of Aboriginal families and communities located in the remote parts of Central Australia, described how Aboriginal children are integrated into community activities from birth, however non-Aboriginal Anglo-Western children are segregated from adult and community activities (Byers, Kulitja, Lowell & Kruske, 2012). These authors also noted that the Aboriginal study participants valued the "autonomy and self-reliance" of their children "within a closely nurturing social environment" based on the child's demonstrated abilities (Byers, Kulitja, Lowell & Kruske, 2012, p. 296). In contrast, Anglo-Western child rearing practices structure opportunities for children to develop independence along with their chronological age milestones. These profound differences in child-rearing philosophies (Worldviews) and practices illustrate the need for Australian health and human services to embed Aboriginal Worldviews in their practices an end "the imposition of values and frameworks from a Western perspective" (Byers et al., 2012, p. 293).

*Child Removal and the Traumatic Dislocation from Kin, Country and Culture*

Speakers at the Secretariat of National Aboriginal and Islander Care (SNAIC) Conference in 2014 raised concerns that the contemporary child protection system

continues to drive a wedge between Aboriginal and Torres Strait Islander children and their families. Once removed, Aboriginal and Torres Strait Islander children often have limited access to their biological families and siblings are often separated in different Out of Home Care arrangements (Bamblett, Salamone, & van den Berg, 2014). Douglas and Walsh (2013) report that this is largely due to the fact that many "Aboriginal children had been placed in care in towns and cities far from their community" (Douglas & Walsh, 2013, p. 76). This trend largely impacts families and communities located rurally and remotely who are unable to travel in order to maintain contact with their removed children (Douglas & Walsh, 2013). The dislocation from family is compounded by the decrease in access to kinship care as "kinship carers, compared to (non-Aboriginal) foster carers, are less likely to receive support (including money, allocated caseworkers, case plans, annual review, training and services) and monitoring, to ensure children's and carers' needs are met" (McHugh, 2013, p. 13). Douglas and Walsh (2013) argue that the reduced access to kinship care is also strongly related to trauma and poverty and a reluctance to work with the welfare system.

Members of the ACMAG committee also raised the concern that many young Aboriginal and Torres Strait Islander people in Out of Home Care do not have adequate *Cultural Care* or *Support Plans*. The intention behind these plans is to support Aboriginal and Torres Strait Islander children to stay connected to their "family, extended family, community and culture" (Department of Human Services, 2013, p.1). However, these Cultural Care plans are often written by non-Aboriginal child protection case workers who have very limited understandings of Aboriginal and Torres Strait Islander cultures and Worldviews (Douglas & Walsh, 2013). In addition, Cultural Support plans are often under-utilised. For example in Victoria only eight percent of Aboriginal and Torres Strait Islander children in Out of Home Care have completed Cultural Support plans (Department of Human Services, 2013).

*The Association between Out of Home Care, Early Entry into Juvenile Incarceration and Ongoing Risk of Abuse*

There is a clear association between Out of Home Care and juvenile incarceration. Approximately 25% of young people who are incarcerated in juvenile detention facilities have lived in Out of Home Care (NSW Law Reform Commission, 2012). Aboriginal and Torres Strait Islander young people now comprise the fastest growing population in Australian juvenile detention centres, being 26 times more likely than non-Aboriginal young people to be incarcerated (Australian Institute of Health and Welfare, 2014). The early entry of Aboriginal and Torres Strait Islander young people into the criminal

justice system is alarming in of itself. However, early incarnation is also strongly associated with negative outcomes across the life-course including; poor health and education outcomes, increased risk of adult incarceration, unemployment and homelessness (Australian Institute of Health and Welfare, 2013b).

The immediate physical, emotional and sexual safety of young people is at risk in institutional settings given the "extensive periods of contact with adults, or residential arrangements with other children or young people who may cause harm or abuse" (Royal Commission, 2014, p. 112). According to the recent report provided by the *Royal Commission into Institutional Responses to Child Sexual Abuse*, all children in Out of Home Care placements and juvenile detention are at a heightened risk of sexual assault and ongoing abuse in comparison with the general population (Royal Commission, 2014). Data on Child Sexual Assault (CSA) in Out of Home Care and juvenile detention is very limited and is unlikely to reflect the true prevalence of CSA in these contexts. However, between 2011 and 2012, there were 1,658 children in care who had substantiated notifications of abuse and in the same period, 522 children in Out of Home Care arrangements had substantiated reports where, "the person believed responsible was living in the household providing care" (Australian Human Rights Commission, 2013, p. 6).

## Conclusion

Concerns that the Australian child protection system is replicating 'discriminatory dynamics' of the Stolen Generations, were raised in the landmark *Bringing Them Home Report* released almost twenty years ago (Australian Human Rights Commission, 1997). More recently, the high numbers of Aboriginal and Torres Strait Islander children in Out of Home Care has prompted members of the ACMAG committee and GMAR activists to raise concerns about the crisis driven and removal focused contemporary child protection system. These account for some of the many reasons the contemporary child protection system is failing Aboriginal and Torres Strait Islander children and young people, their families and communities.

Due to the geographical remoteness of many Aboriginal and Torres Strait Islander communities and the limited number of kinship carers, once removed children are often placed with families located far from their biological families, making access and maintaining a connection especially difficult. Incomplete or inadequately followed Cultural Care plans fail to facilitate opportunities for Aboriginal and Torres Strait Islander children in Out of Home Care to make meaningful and strong connections to with their cultural heritage, Aboriginal Worldviews, ways of relating, connection to homelands and forming a strong
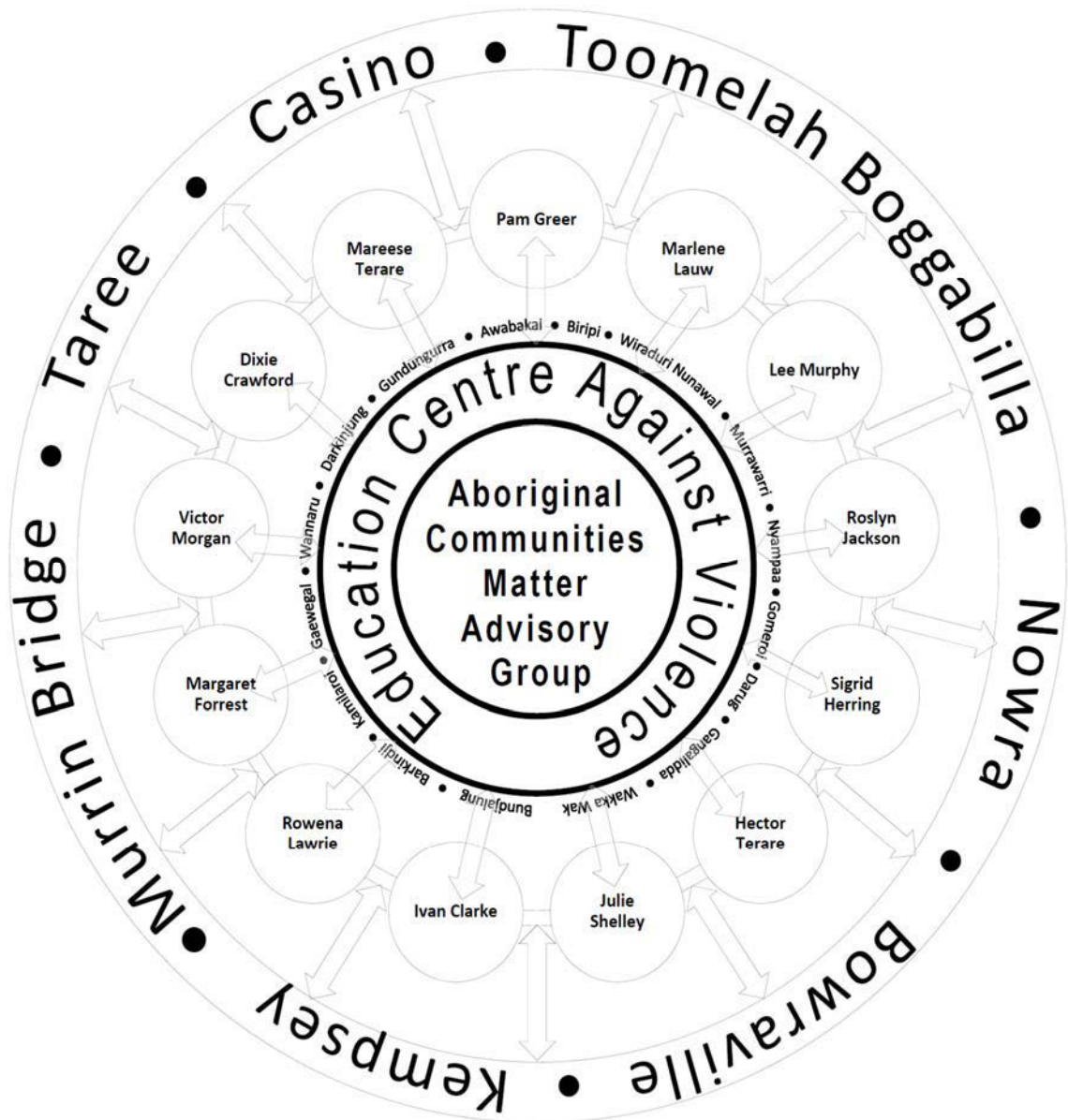
*Figure 1.* The Circles of Acknowledgement Wheel, Aboriginal Communities Matter Advisory

Aboriginal identity. Removal and placement into Out of Home Care is strongly associated with early entry into the juvenile justice system. Furthermore, children in Out of Home Care and institutional settings such as juvenile justice facilities place children and young people at high risk of physical, sexual and emotional harm. The evidence from the recent Royal Commission into Institutional Responses to Child Sexual Abuse (2014) indicates that children and young people may be at ongoing risk of physical, emotional and sexual abuse in foster and institutional care placements.

ACMAG members argue that Aboriginal and Torres Strait Islander families and communities continue to be blamed by statutory bodies for living in poverty, for the chronic under-resourcing of their communities and for the impacts of intergenerational trauma stemming from ongoing experiences of systemic racism and discrimination. It is within this context that child protection workers interpret poverty, such as living in overcrowded housing, as neglect. ACMAG members also argue that in instances where there is domestic, family violence and abuse of children in Aboriginal communities, this must be viewed in the context of intergenerational trauma which "cannot be separated from the twin legacies of colonialism and racism" (Grey, 2004, p.13; Oullette, 2002).

According to post-colonial feminist theorist Gayatri Chakravorty Spivak (1988), the dominant discourses imposed by colonial powers inevitably constrains the voice of the most oppressed and socially marginalised people in society (the 'subaltern'). In the context of violence against Aboriginal and Torres Strait Islander women, children and young people, dominant colonially imbedded narratives frame Aboriginal people as the authors of their own poverty and violence. This narrative erases the responsibility of past and present governments in causing and perpetuating colonial violence and institutional racism. Colonial violence and racism has created the context for poverty, family violence and despair within Aboriginal communities.

These understandings should inform a different focus in child protection; one that involves long term, preventative, community-led strategies including anti-violence education and increasing community resources such as housing and culturally safe Aboriginal community-led service provision. Members of the ACMAG committee also recommend that child protection workers foster a culture where Aboriginal families are encouraged to take pride in the central role that they have in healing and providing safety for their families utilising their child-rearing Worldviews and practices. If the contemporary child protection system is to become untethered from the practices of assimilation, it must do so by becoming committed to embedding community specific Aboriginal Worldviews in child protection and violence prevention support services and by enabling communities to have genuine and direct influence over the services that aim to provide support (Herring, Spangaro, Lauw, & McNamara, 2013).

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