

# THE SCHOOL EXCLUSION PROJECT



**NIYEC**  
National Indigenous Youth  
Education Coalition

**RESEARCH REPORT**  
21 MARCH 2024



# **The School Exclusion Project**

Research Report

National Indigenous Youth Education Coalition

21 March 2024

# TABLE OF CONTENTS

<b>5</b>	CONTENTS WARNING	
<b>5</b>	NOTE ON TERMINOLOGY	
<b>5</b>	ACKNOWLEDGEMENTS	
<b>6</b>	EXECUTIVE SUMMARY	
<b>8</b>	INTRODUCTION	
9	Background	
12	Scope and Methodology	
<b>13</b>	CONTEMPORARY ISSUES	
<b>17</b>	SCHOOL EXCLUSION BY JURISDICTION	
17	National Summary	
19	New South Wales	
22	Queensland	
27	South Australia	
31	Tasmania	
34	Victoria	
38	Western Australia	
43	Australian Capital Territory	
46	Northern Territory	
51	Commonwealth	
<b>56</b>	ALTERNATIVES TO EXCLUSION	
<b>59</b>	CONCLUSION AND RECOMMENDATIONS	
<b>61</b>	APPENDICES	
<b>65</b>	ENDNOTES	

## **CONTENTS WARNING**

Aboriginal and Torres Strait Islander readers please note that this document contains names of deceased Aboriginal and Torres Strait Islander people. Quotes directly from historical documents sometimes contain some anachronistic terminology that is racist or inappropriate; we reproduce this only when unavoidable.

## **NOTE ON TERMINOLOGY**

In this report, we use the term Aboriginal and Torres Strait Islander peoples in the Australian context, unless specifically referring to Aboriginal peoples or Torres Strait Islander peoples. Where appropriate, specific nation names may be used. The term Indigenous peoples is used to refer to Indigenous peoples across the world. The term non-Indigenous people is used for people in Australia who are not Aboriginal, Torres Strait Islander or Aboriginal and Torres Strait Islander people.

## **ACKNOWLEDGEMENTS**

The research team acknowledges the Traditional Owners of the lands and waters throughout Australia. In doing so, we pay respect to Elders past and present and acknowledge that sovereignty was never ceded. Always was, always will be, Aboriginal lands.

This research report was prepared by Samara Hand, Beth Marsden, Mati Keynes, and Archie Thomas for the National Indigenous Youth Education Coalition (NIYEC). The purpose was to create a resource to facilitate learning about and understanding of historical experiences of school exclusion across the Australian continent. This was to support the work of NIYEC in advocating for the end of school exclusion and for a self-determined education, and to inform local and national debates about the history and present reality of school systems in Australia and globally. The research team was awarded a grant of \$10,000 from the Australian Centre, University of Melbourne, to support this research.

**March 2024**

# EXECUTIVE SUMMARY

This report documents some of the ways that government schools across the Australian continent, from the nineteenth-century to the present, have excluded Aboriginal and Torres Strait Islander people. We use the term school exclusion to refer to government failure to ensure education access, including historical failures to provide access to schooling, as well as the contemporary use of disciplinary measures that remove a student from their normal learning environment. This latter method of exclusion ranges from formal measures, such as suspension and expulsion, through to internal and informal measures used to discipline or 'manage' students, but which nonetheless remove them from their usual learning environment. While we acknowledge that there are many other forms of exclusion that render education inaccessible for Aboriginal and Torres Strait Islander students, such as exclusion from the curriculum, we have focused on the literal exclusion of students from schools.<sup>1</sup> Through analyses of archival records, historiography, legislation, and policies, this report reveals a history of systemic exclusion of Aboriginal and Torres Strait Islander people from schools across Australia. Together, the state and territory timelines in this report provide the first comprehensive historical overview of the exclusion of Aboriginal and Torres Strait Islander people from schools. The report has been written with the following purposes in mind:

- For all people to learn about and understand the historical experiences of school exclusion across the Australian continent
- To support the work of NIYEC in advocating for the end of school exclusion and for a self-determined education
- To inform local and national debates about the history and present reality of school systems in Australia and globally.

## KEY FINDINGS

1. Aboriginal and Torres Strait Islander students have been systemically excluded from public schools across Australia.
2. Exclusion occurred through government failure to provide access to schooling and through explicit policies of exclusion, including the development of segregated school systems.
3. Exclusion has also occurred through disproportionate use of disciplinary exclusion measures within schools.
4. Access to up-to-date school exclusion data remains difficult, meaning there is little public scrutiny or accountability about the full extent of school exclusion across Australia.
5. Exclusion has been resisted and there was push back from families and communities around the continent in different ways.

Government schools have excluded Aboriginal and Torres Strait Islander students via what has been termed an ‘elaborate technology of exclusion.’<sup>12</sup> The report focuses on two systemic forms of exclusion: (a) the repeated failure of settler governments to provide schooling and ensure access to education for Aboriginal and Torres Strait Islander students, and (b) the disproportionate use of disciplinary measures, including exclusion, within school systems targeted at Aboriginal and Torres Strait Islander students. In doing so, this report identifies the continuity of school exclusion across the period surveyed, albeit through different methods. Historically, Aboriginal and Torres Strait Islander students were excluded based on explicitly racialised justifications. Modern forms of exclusion are represented as race ‘neutral’, yet schools use disciplinary exclusion measures disproportionately against Aboriginal and Torres Strait Islander students. We chart some of the technologies of exclusion in [Appendix A](#).

This report exposes the systemic failure of governments to provide schooling for Aboriginal and Torres Strait Islander people. It challenges the view that education across Australia was ‘free, compulsory, and secular,’ and locates these failures within education departments and school systems. It shows how discrimination, racism and exclusion are foundational to Australia’s education systems and are inextricably connected to ongoing educational disadvantage and inequity. School exclusion is an ineffective mechanism for improving or managing student behaviour. The contemporary negative impacts of school exclusion are well-documented and include exacerbating behavioural problems, diminishing academic engagement, increased likelihood of further suspension and exclusion, and contact with the criminal justice system. Yet the use of disciplinary exclusion measures in schools today is increasing, and these measures are used against Aboriginal and Torres Strait Islander students at disproportionate rates. There is both a lack of historical material regarding exclusions and major failures in the provision of up-to-date school exclusion data. As a result, there is little scrutiny or public accountability about the full extent and discriminatory nature of school exclusion across Australia.

In the face of overlapping oppressive systems and practices, Aboriginal and Torres Strait Islander people have fought and continue to fight resolutely to access schooling for their children and to resist discriminatory practices and policies. In documenting this history, this report speaks back against dominant narratives of Indigenous education that responsabilise Aboriginal and Torres Strait Islander students and families for so-called educational ‘failures’ or ‘gaps’. This history shows that responsibility for failure lies with government systems and demonstrates the importance of self-determination in and through education, so that Aboriginal and Torres Strait Islander young people can ‘govern and self-determine an education of our own design, for the future of our Nations.’<sup>13</sup>

**This report highlights three key challenges requiring attention:**

**1**

The current challenge of access to accurate, disaggregated school exclusion data.

**2**

The emerging challenge of moving away from school exclusion as a form of discipline.

**3**

The future challenge of realising a self-determined education.

# INTRODUCTION

**Schools and other educational settings should be healing places rather than places of trauma and exclusion. This is a fundamentally different view of education in the twenty-first century that Indigenous Peoples held hundreds of years ago and an equally fundamentally different philosophical understanding of the purpose of education from standard mainstream views of education.<sup>4</sup>**

— Elizabeth Ann McKinley and Linda Tuhiwai Smith

The history of school education in Australia is marked by the exclusion of Aboriginal and Torres Strait Islander students. This history illustrates some of the key tensions at the heart of schooling in settler colonies: namely, that schools have been and continue to be places of exclusion, forced inclusion, trauma and alienation for many Indigenous students, rather than places of healing and empowerment.

This report aims to provide grounding for contemporary discussions about school exclusion that has and continues to characterise the Australian education ecosystem. The purpose is to illuminate the exclusionary history of Australia's education systems, including some of the ways that Aboriginal and Torres Strait Islander children and youth have been excluded from school. We highlight exclusionary methods and measures from the nineteenth century to the present.

This report delves into the history of school exclusion with an awareness of the profound impacts that discriminatory systems and practices have had on generations of Aboriginal and Torres Strait Islander students. School exclusion continues to disproportionately impact Aboriginal and Torres Strait Islander students, only compounding the educational debt owed to Aboriginal and Torres Strait Islander people.<sup>5</sup>



The pages that follow provide a chronological summary of the history of school exclusion in each jurisdiction across Australia, demonstrating that exclusion is not only a contemporary issue: rather, inequality has been foundational to the education system from the beginning. However, the history of school exclusion is also marked by a history of resistance, demonstrating the resilience of Aboriginal and Torres Strait Islander students and their families and communities. As such, this report seeks to shed light not only on the history of school exclusion, but also on the stories of resilience and resistance against exclusionary practices.

The significance of this report extends beyond academic inquiry. The goal of this report is to foster truth-telling and promote an informed dialogue on the challenges faced by Aboriginal and Torres Strait Islander students in education. By shedding light on the historical roots of exclusionary systems and practices, we aim to encourage those in the education sector to work collaboratively towards ending school exclusion. We hope that this report will serve both as a reckoning with historical wrongs and as a call to action to shape an education system that becomes a place of healing and empowerment for Aboriginal and Torres Strait Islander students, and indeed, all students.

## **BACKGROUND**

Education legislation was passed in all six of the Australian colonies between 1872 and 1895. Each act included the compulsory clause, and established an education department responsible for ensuring all children attend school and for providing schools for them to attend. The compulsory clause intervened in what had previously been parents' authority to decide whether or not their children would attend school. Most education departments initially struggled to enforce the compulsory clause, through a lack of staff to enforce it, and the slow expansion of school systems. As Aboriginal and Torres Strait Islander families sought out enrolment in government schools, education departments used a range of methods to exclude them. These included, but were not limited to: the deliberate withholding of a school in areas where Aboriginal and Torres Strait Islander people lived; by justifying the exclusion of Aboriginal and Torres Strait Islander children through the development of segregated schooling, and; barring Aboriginal and Torres Strait Islander students through exemptions to the compulsory clause such as those connected to health and overcrowded classrooms. Each education department was adaptive and responsive in the ways they formally, informally, legally, and illegally developed ways to exclude Aboriginal and Torres Strait Islander children, despite the continued insistence of Aboriginal and Torres Strait Islander families that their children access government schooling. This report details some of the ways that education departments enforced exclusions and reveals the commonalities and patterns across states and territories, as well as more specific, localised forms of exclusion, often informed by and leveraging legislation and policies targeting Aboriginal and Torres Strait Islander people.

This report also focuses on how Aboriginal and Torres Strait Islander students have been excluded from within school systems; that is, how schools withdraw access from children already enrolled in school. Historically, school systems worldwide have featured disciplinary measures that remove students from their normal learning environment. Disciplinary measures are used to manage students who disrupt the 'good order' of schools or threaten the safety of others. The Australian legal foundations of the use of disciplinary exclusion measures can be traced back to English common law principles which bestow upon teachers and schools the power to discipline students. The English common law doctrine of *in loco parentis* – literally 'in the place of a parent' – refers to an individual who assumes parental status and responsibilities

for another individual, without formally adopting that role. For hundreds of years, that doctrine shaped the rights and responsibilities of public school teachers and gave them the power to punish students under their care and control. For example, in the UK case *Hutt v Governors of Haileybury College* (1887) 4 TLR 623, a 15-year-old student was expelled from school for allegedly committing theft. Justice Field emphasised that all aspects of school discipline could be grounded in the delegation of parental authority. Just as the compulsory clause invested responsibility for providing education with governments, instead of parents, so too did education legislation invest responsibility for punishing children with teachers. In 1964, for example, in the Australian case *Ramsay v Larsen* (1964) 111 CLR 16, Justice Kitto clarified that the Crown (not the parent) delegates authority to the teacher, which appears to be a by-product of modern compulsory education legislation:

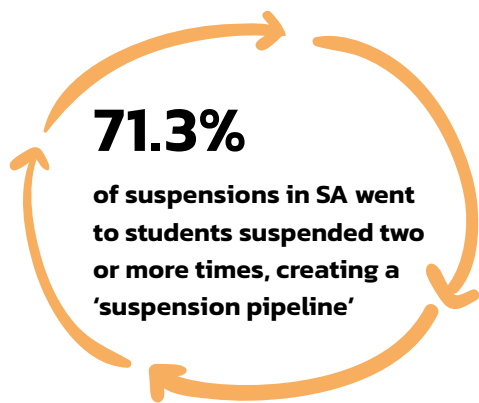
**The school authority undertakes not only to employ proper staff but to give the child reasonable care. The particular teacher who performs the tasks of care and tuition in a State school therefore performs them as a civil servant of the Crown and not on his own account only. It may be suggested ... that a schoolmaster's power of reasonable chastisement exists, at least under a system of compulsory education, not by virtue of a delegation by the parent at all, but by virtue of the nature of the relationship of schoolmaster and pupil and the necessity inherent in that relationship of maintaining order in and about the school.<sup>6</sup>**

Although corporal punishment has since been banned in government schools in all states and territories, this decision provides the legal basis for schools' use of discipline, including exclusionary discipline, although discipline was used in schools across Australia well before this decision.<sup>7</sup>

Recent data suggests that the use of exclusion as a form of discipline is on the rise.<sup>8</sup> In 1996, the use of exclusionary discipline in Australian schools was publicly highlighted as an issue by the Commonwealth House of Representatives Standing Committee on Employment, Education and Training in a report titled *Truancy and exclusion from school: report of the inquiry into truancy and exclusion of children and young people from school*. The Committee found there were two groups of children being excluded from school at particularly disproportionate rates: children in care and Aboriginal and Torres Strait Islander young people. The Committee also found that the causes of school exclusion are multifaceted:

**Causes of exclusion from school include a wide range of possible explanations from learning difficulties, personal development and behavioural problems, low socio-economic or dysfunctional family background, parental lack of interest, lack of school support structures and welfare provisions, inappropriate and inflexible curriculum and rigid school structures.<sup>9</sup>**

According to the NSW Department of Education, exclusion is purportedly designed to 'support a change in the behaviour of students.' Yet there is little evidence to support this, in 2021 the NSW Ombudsman found 'no evidence that suspension is an effective mechanism for improving or managing student behaviour', and that it 'does not provide students with the support they need to achieve behavioural change'.<sup>10</sup> Instead, most data shows that once a student is excluded, they are likely to be excluded again. For example, a review of school



exclusions in South Australia (SA) showed that the majority of suspensions (71.3%) went to students suspended two or more times, creating a 'suspension pipeline,' where students suspended are more likely to be excluded again from school.<sup>11</sup> Likewise, research by the American Psychological Association has found no evidence that increasing suspensions and expulsions improves student behaviour or guarantees school safety.<sup>12</sup> In fact, the research found that exclusionary discipline exacerbates behavioural problems and diminishes academic engagement and safety. The claim that disciplinary exclusion is an effective tool to address problematised behaviour is questionable.

The body of evidence generated through this report adds an important dimension to existing research showing how the shift towards individual achievement, attendance, and participation metrics in national education policy from the 1990s onwards, has directed focus away from goals of Indigenous community control of Indigenous education. This shift followed the federal government's 1991 policy reversal on national treaty and land rights legislation and embrace instead of discourses of reconciliation.<sup>13</sup> Scholars have argued that during this period, national education policies 'shifted the discursive purpose of schooling for Indigenous children and young people from self determination, anti-racism, and equity towards the 'problem' of underachievement.'<sup>14</sup> We know from a systematic review of the research published in 2019 that there is little evidence of sustained improvement in Aboriginal and Torres Strait Islander student outcomes over that time.<sup>15</sup> Instead, the emphases on attendance and achievement have worked to position Aboriginal and Torres Strait Islander students and their families as responsible for their own success and 'failures', and directed attention away from systemic discrimination and inequities.

This report argues that greater attention to contemporary and historical exclusions is key to addressing ongoing educational discrimination and disadvantage. This report makes clear the need for greater attention to the historical foundations of discrimination in Australian school systems in order to expose and challenge the perpetuation of inequitable education across all states and territories. While critical education scholars in Australia are increasingly grappling with the role of racism in contemporary school systems, this research is sometimes decontextualised from historical systems and conditions that shape the present.<sup>16</sup> In other settler colonial contexts, race has received considerable attention in analyses of schooling. On Turtle Island, schools for Indigenous students have been subject to historicisation and processes of transitional justice,<sup>17</sup> and there is a burgeoning scholarship in the Nordic states regarding assimilatory schooling for Sámi students.<sup>18</sup> In the United States, the overtly discriminatory segregated school system for African American students and campaigns for more equal schooling have been well documented.<sup>19</sup> The relationship of schooling and settler colonial governance in the Pacific, including Hawaii and Aotearoa, is also receiving increasing critical attention.<sup>20</sup> This international scholarship on schooling and settler colonialism has provided frameworks for understanding contemporary contests over schooling, but there is little scholarship establishing the systemic foundations that contribute to ongoing educational disadvantage and inequity in Australia. This report seeks to address this gap by historicising the exclusion of Aboriginal and Torres Strait Islander students from school systems in Australia to inform contemporary advocacy and scholarship.

## SCOPE AND METHODOLOGY

This report traces the history of school exclusion of Aboriginal and Torres Strait Islander students from the earliest instances to the present day. The report is based on the study of historical materials including legislation, policy documents, newspapers and government records that have shaped the landscape of school exclusion, as well as historiography on education, which together shed light on both the development of exclusionary practices and instances of resistance. It should be noted however, that as part of the devolution of school management since the 1980s, schools have the autonomy to develop their own codes of conduct and disciplinary procedures provided they are consistent with the policies and guidelines established by the relative State or Territory education department. School level policies and procedures are beyond the scope of this report.

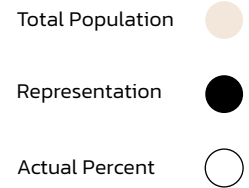
### Document analysis

This study included the review of historical archives, including government records, and legislation and policy documents. These sources were analysed to trace the legal foundations of school exclusion policies affecting Aboriginal and Torres Strait Islander students and to discern shifts in policy and practice over time. Published histories of education were also reviewed as in many cases government records were not publicly available.

### Case Studies

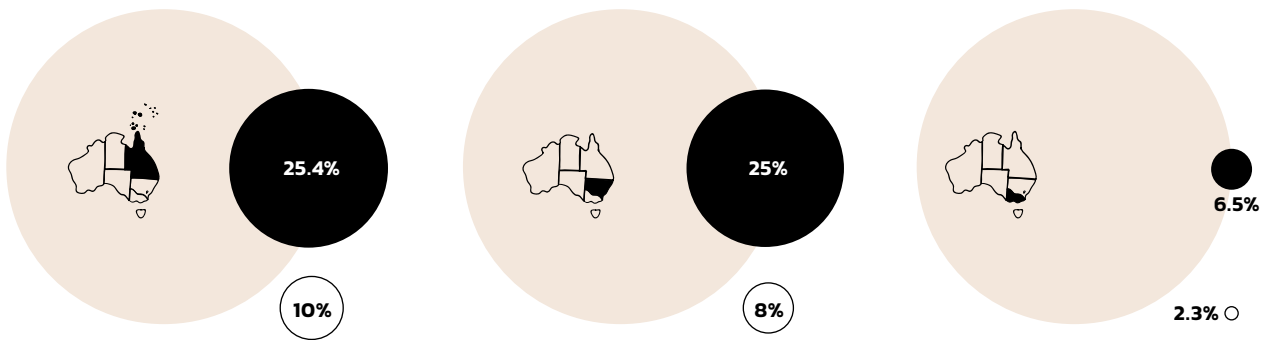
To enrich the narrative, the report also incorporates case studies highlighting specific instances of exclusion as well as resistance by Aboriginal and Torres Strait Islander communities.

# CONTEMPORARY ISSUES



## Overrepresentation of Aboriginal and Torres Strait Islander students

In multiple jurisdictions across Australia, schools disproportionately exclude Aboriginal and Torres Strait Islander students. Research by the *School Exclusion Study* at the University of South Australia looking at publicly available data from 2019 found that:

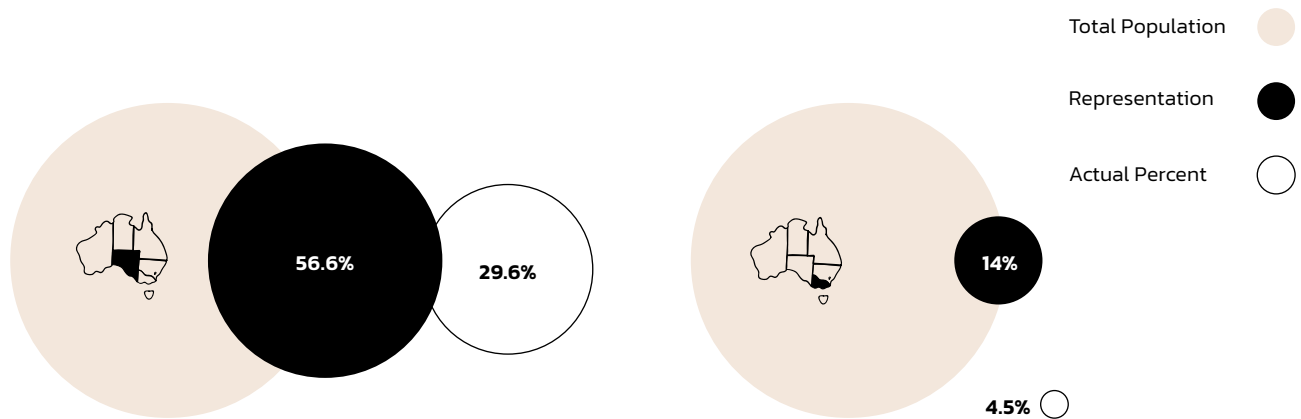


In **Queensland**, schools directed a quarter of all fixed-term and permanent exclusions at Aboriginal and Torres Strait Islander students (25.3% and 25.4% respectively), despite making up just over 10% of all Queensland's full-time state school enrolments.

In **New South Wales** (NSW), of all short and long suspensions given by schools, approximately 25% were directed at Aboriginal and Torres Strait Islander students, even though this group represents only 8% of all student enrolments.

In **Victoria**, 6.5% of all expulsions were directed at Aboriginal and Torres Strait Islander students, however, this group represents only 2.3% of the student population.<sup>21</sup>

Additionally, a study into the reasons for suspension and exclusion by the Centre for Inclusive Education at the Queensland University of Technology found that 'Physical Misconduct' accounted for the highest rate of incidents for suspension and exclusion for both Aboriginal and Torres Strait Islander students and non-Indigenous students, although Aboriginal and Torres Strait Islander students were overrepresented each time.<sup>22</sup> Importantly, Aboriginal and Torres Strait Islander young people interviewed during the study spoke of being subject to exclusionary discipline for fighting, as a result of unaddressed bullying and racism in schools.<sup>23</sup> These findings suggest the exclusionary discipline may exacerbate, rather than address, the issue of racism. This is particularly concerning given the recent failure of the Voice referendum, which Australia's Social Justice Commissioner suggested may be encouraging racism in schools.<sup>24</sup>



L: Number of students with a disability suspended in SA

R: Number of students with a disability suspended in Vic

### Overrepresentation of students with disability

Schools also exclude students with a disability at higher rates. For example, an inquiry into exclusion in South Australia (SA) found that students with a disability made up 56.6% of suspensions in 2019 despite making up only 29.6% of the student population,<sup>25</sup> while the *School Exclusion Study* found that in Victoria, students with disability funding received 14% of all permanent exclusions yet constituted only 4.5% of all government school enrolments.<sup>26</sup> Across Australia, a survey published by Children and Young People with Disability Australia (CYDA) found that more than 12% of students with a disability were refused school enrolment, and over 40% were excluded from school events and activities.<sup>27</sup>

The paper *Falling behind: A need for inclusive education*, which was produced collaboratively between Family Advocacy and Disability Advocacy NSW, found students with a disability are often excluded from classroom activities due to low funding, staff and resource shortages and lack of capacity, while other schools lack the necessary expertise, knowledge, or skills to provide inclusive education.<sup>28</sup>

### Child removal and the overrepresentation of students in care

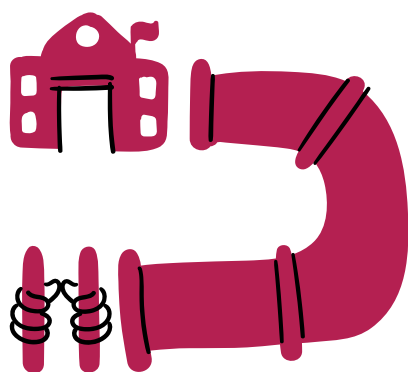
Historically, governments and mission authorities have used a range of legislation, policies and practices in the systematic removal of Aboriginal and Torres Strait Islander children from their families and communities. This continues today, albeit under the authority of 'mainstream' child welfare legislation, instead of through policies targeting Aboriginal and Torres Strait Islander children specifically. Historically many children were removed from their families and communities under the claim that they would gain access to and benefit from Western education. However, the education provided to children who were removed was usually rudimentary. Today, students in out-of-home care constitute one of the most disadvantaged educational groups in Australia.<sup>29</sup> For example, the 2020 inquiry into exclusion in SA found that children and young people in care face 4.1 times the risk of being suspended and 6.7 times the risk of being excluded compared to other students in public schools.<sup>30</sup> Many of these children are also Aboriginal and Torres Strait Islander, indicating the need for an intersectional approach to interrogate and challenge inequality and exclusion.

**4.1x**  
the risk of being suspended

**6.7x**  
the risk of being excluded

## Policing in schools

Police and policing have played numerous roles in the education and schooling of Aboriginal and Torres Strait Islander children. Policing systems, and individual police, were integral to the administration of legislation and assimilationist policies designed to disintegrate Indigenous families and communities. Police have worked in tandem with schools to monitor Indigenous families and schools have been sites of forced removals. Police were also employed by many state education departments to administer the 'compulsory' clause (the enforcement of attendance) and were given powers to investigate and bring charges against families for their child's non-attendance. In some remote locations, teachers were also given policing powers, and were charged with administering the law in addition to their roles in schools. Police and schools continue to work together, and police continue to play a central role in managing school absenteeism in many states. In the case of Queensland, this role has been formalised.<sup>31</sup> Of the 57 secondary schools currently in the 'School Based Policing Program', 41 of the schools have an Aboriginal and Torres Strait Islander student population over 8% despite Aboriginal and Torres Strait Islander students representing only 8% of the total secondary student population in Queensland.<sup>32</sup> There is evidently a direct link between the racial profiling, surveillance, and over-policing of Aboriginal and Torres Strait Islander students in schools, and their overrepresentation in processes of school exclusion.



**49%**

**of youth in detention  
are Aboriginal and  
Torres Strait Islander.**

## School-to-prison pipeline

Emerging research from the United States indicates that school exclusion contributes to what has been labelled a school-to-prison pipeline, defined by Sander as 'systemic setbacks that gradually shepherd students away from positive school connections and academic success and into increasing criminal activity'.<sup>33</sup> The overrepresentation of Aboriginal and Torres Strait Islander young people in the criminal justice system is well documented. For example, although Aboriginal and Torres Strait Islander youth make up only about 6% of the population aged 10–17 in Australia, almost half (49%) of the young people aged 10–17 in detention on an average day in 2020–21 were Aboriginal and Torres Strait Islander, indicating that Australia has its own school-to-prison pipeline.<sup>34</sup> However, the limited availability of data in Australia prevents an investigation of the full extent of the pipeline here.<sup>35</sup>

### **Lack of data**

Most state and territory governments mandate that schools maintain records of school exclusion. However, these records are generally restricted and are not accessible to the public (see [Appendix B](#) for an index of data availability for each jurisdiction), meaning there is little scrutiny and accountability. The lack of publicly available data makes it difficult, if not impossible, to grasp the full extent of school exclusions across Australia. Consequently, much of what we know about the extent of exclusion in Australian schools comes from data gathered by independent researchers which provides only a snapshot of the problem.

### **Lack of independent review processes**

Recent research indicates that the lack of an independent complaints process is a major issue for students and families. For example, a report into the experiences of students with a disability co-authored by Disability Advocacy NSW and Family Advocacy found 'the experiences shared by many families tell of a system that investigates itself'.<sup>36</sup> Similarly, the 2020 inquiry into exclusion in SA found that the SA Department for Education's current policy and procedure for appeals against exclusions 'does not provide students, parents and carers with access to an appeals process that is independent, effective, accessible, transparent, safe and enforceable'.<sup>37</sup>

### **Failure to abandon school exclusion as a form of discipline**

Despite emerging data that shows schools disproportionately exclude Aboriginal and Torres Strait Islander students, students with a disability and students in care, as well as international research showing the ineffectiveness of school exclusion in addressing student behaviour, school systems in Australia continue to rely on exclusion as a form of punishment. In SA for example, one year after formalising principals' powers to suspend, expel and exclude students from government schools, an inquiry into school exclusion found that Aboriginal students are overrepresented in suspension statistics (constituting just 6.6% of enrolments in 2019, but 17.6% of suspensions) and exclusion statistics (constituting 20.3% of exclusions). Despite what is already known from the research, no jurisdiction has committed to ending school exclusion.



# SCHOOL EXCLUSION BY JURISDICTION

LATE  
1800s

## NATIONAL SUMMARY

Eighty-four years after British invasion, the first *Education Act* was passed, in Victoria in 1872. This made schooling 'free, compulsory and secular' to all children in that colony (later state). The other colonies followed with similar legislation until government school systems were operational across the country by 1895.<sup>38</sup> These systems claimed to provide schooling for children regardless of religion, race, or gender. Restrictive and repressive legislation targeting Aboriginal and Torres Strait Islander people was already in place across the country when government school systems were established. These Acts varied across all jurisdictions but shared some commonalities, with most designed to give government bodies authority to control where and how Aboriginal and Torres Strait Islander people lived, and to limit their access to their lands and culture. All included the power to remove children from families without consent, often for the purposes of 'education'. Most governments developed a system of reserves to enact these controls and utilised the interest of mission bodies to establish and run institutions that usually included schooling for Aboriginal and Torres Strait Islander children. Most of these schools received limited or zero government funding, had little access to government school resources, including curriculum and qualified teachers, and were not subject to the inspections, regulations, or processes of centralised state education departments. For Aboriginal and Torres Strait Islander children and their families living away from missions and reserves and who attended government schools, access to school was dependent on the uneven application of the compulsory clause that featured in the education legislation of all states. Notably, these students often found themselves excluded: by lack of provision, by active campaigns to exclude them carried out by non-Indigenous parents or teachers, and more generally by a schooling system that was not set up to meet the specific needs and interests of Aboriginal and Torres Strait Islander students.

1930s-  
50s

In 1937, all state and territory authorities responsible for the administration of legislation targeting Aboriginal and Torres Strait Islander people met in Canberra for the first Aboriginal Welfare Conference. All governments (except for Tasmania and Victoria) agreed on the policy of assimilation and identified schools as key sites to implement this policy.<sup>39</sup> Over the next twenty years, all states and territories developed more comprehensive schooling for Aboriginal and Torres Strait Islander students. This was ad hoc and differed significantly depending on state, territory, and locality. Generally, however, the take up of ideologies of assimilationism marked a shift from exclusion and indifference to intense interest in Aboriginal and Torres Strait Islander children's education and schooling. This interest was usually focused on attendance.

**Historian Anna Haebich explained that after ‘years of neglect of Aboriginal schooling, authorities now looked to education as the socialising, moralising and normalising force’ that could produce economic, social, and cultural assimilation of Aboriginal and Torres Strait Islander people.<sup>40</sup>**

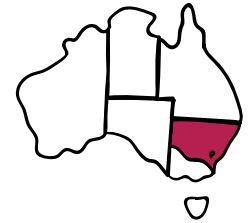
**1960  
-70s**

In concert with growing Indigenous rights movements in the 1960s and the 1970s, state and territory policies—haphazardly and unevenly—moved away from versions of assimilative schooling and towards attempts to address the exclusion of many Aboriginal and Torres Strait Islander children from schooling, and the inequity of provision and educational outcomes.<sup>41</sup> It was in this period that government initiated formal consultative Aboriginal education policies (for example, the National Aboriginal Education Committee), and that a substantial movement for Indigenous community-controlled schooling emerged. The NAEC, for example, saw the long history of ‘exclusion on demand’ policies as well as the poor education received on missions and reserves as key challenges for government to address through a coordinated national strategy, based on local decision-making and self-determination.<sup>42</sup> Notably policy and other documents from the era emphasis a lack of access for students as the key issue, and measures to address this included expanding provision of schooling, training more Aboriginal and Torres Strait Islander teachers, training the broader teacher workforce to work sensitively with Aboriginal and Torres Strait Islander students, and reforming curriculum and teaching approaches to incorporate Indigenous knowledges<sup>43</sup> Practically, these changes meant that more Aboriginal and Torres Strait Islander students were attending ‘mainstream’ schools rather than separate schools on missions and reserves, while a smaller number attended new independent Indigenous controlled-schools.<sup>44</sup> The efforts of bodies like the NAEC assisted in increasing numbers of Aboriginal and Torres Strait Islander students accessing secondary and higher education. However, what is less clearly understood in current scholarship is how these changes impacted rates of exclusion, and more generally impacted processes of exclusionary discipline. There is a lack of data comparing exclusion over this period, made more complex by the fact that exclusion has taken a multitude of forms beyond school expulsion and suspension. Schools formally banned discipline practices like corporal punishment which had already begun to fall out of favour in the preceding decades.<sup>45</sup> However, as noted above, there have been ongoing concerns that school discipline policies have unfairly targeted Aboriginal and Torres Strait Islander students, and that schools remain ill-equipped to manage the needs of these same students, mirroring the ‘school-to-prison pipeline’ identified by US scholars.<sup>46</sup>

**1991**

In 1991, the Royal Commission into Aboriginal Deaths in Custody (RCIADIC) dedicated a whole chapter to schooling, which illustrated some of the connections between inadequate and unfair schooling systems and contact with the criminal justice system<sup>47</sup> However, these connections have been largely ignored in public policy discourses on Aboriginal and Torres Strait Islander students which tend to emphasise attendance, graduation, and basic literacy and numeracy. This illustrates too the continuing influence of the compulsory clause in education legislation, demonstrated by government fixation upon Aboriginal and Torres Strait Islander school attendance in contemporary policy and reporting.

# NEW SOUTH WALES



Unlike many other jurisdictions, it was relatively straightforward to locate legislative and policy materials relevant to the development of school exclusion in NSW, as well as the case studies of resistance that have been included in the timeline below. This is owing to the work of a few notable historians, particularly J. J. Fletcher's *Clean, Clad and Courteous: A History of Aboriginal Education in New South Wales* and *Documents in the history of Aboriginal education in New South Wales*, as well as an online timeline by Dr Allison Cadzow for the Board of Studies NSW, which draws heavily on Fletcher's work. Additionally, the formal implementation of exclusion policies and segregated systems made it easier to locate records created by the NSW Department of Education. Thanks to these sources, the history of school exclusion in NSW is much more publicly available than in other jurisdictions, which makes the process of truth-telling this report seeks to advance comparatively easier. State oversight of education in NSW was formalised with the passage of the *National Education Board Act* in 1848. Formal exclusion policies in NSW meant that Aboriginal and Torres Strait Islander students were often excluded from attending government schools and were either referred to separate institutions or left with no access to formal education.

1880

Regulations under the *Public Instruction Act 1880* (which introduced compulsory education and would remain the basis of the State system of education until 1987) provided that 'no pupils shall be expelled from school, unless by the direction or with the express concurrence of the local board, in writing; subject in every case to appeal to the Minister'.<sup>48</sup>

1884

The 'Clean, Clad and Courteous' policy was introduced allowing Aboriginal and Torres Strait Islander students to attend their nearest public school, provided they were 'habitually clean, decently clad and they conduct themselves with propriety', which meant that schools could exclude Aboriginal and Torres Strait Islander students if they were perceived to have health and/or hygiene issues.<sup>49</sup>

Yass Public school expelled all 16 Aboriginal students from the school after non-Aboriginal parents complained about them attending. The Catholic school subsequently enrolled them, but in a segregated class.<sup>50</sup> For a detailed case study of Yass, see ACT timeline.

1890

Non-Indigenous parents demanded the exclusion of 11 Aboriginal students at Forster claiming they were a 'dangerous presence'.<sup>51</sup>

1891

Aboriginal students were excluded from Gulargambone Public after petitions were sent by non-Indigenous parents to the Department of Education. Even though the teacher noted that they could not be excluded under the 'clean, clad and courteous' directive, the Department recommended their exclusion.<sup>52</sup>

1892

In Rollands Plains, Wauchope and Pelican Island, Aboriginal schools were established after complaints from non-Aboriginal parents about the attendance of Aboriginal students at local public schools.<sup>53</sup>

1898

Seven Aboriginal children were refused admission to the public school in Woolar.<sup>54</sup>

1899

Non-Indigenous parents withdrew their children from the Gulargambone Public School after Aboriginal students attended. Various education officials visited and found the children to be acceptable for school attendance, yet the Department still decided to exclude the Aboriginal students. The separate Gulargambone Aboriginal School was subsequently built.<sup>55</sup>

1900

Aboriginal students were excluded from Collarenabri Public after non-Aboriginal parents complained about their attendance. **Aboriginal parents protested unsuccessfully for their readmission.**<sup>56</sup>

1902

The 'Exclusion on Demand' policy was introduced which directed government schools to exclude Aboriginal students if complaints were received from non-Indigenous parents. Aboriginal students were then forced to attend segregated 'Aboriginal schools' run by unqualified teachers, or in some cases, left with no schooling at all when an 'Aboriginal' school was not provided or located close by.<sup>57</sup> This policy was maintained well into the 1970s.

### 1915 Case Study – Quinn Family

The Quinn family engaged a solicitor to contest the exclusion of their children from the Bellata Public School, located near Moree. The Quinns' case was unsuccessful despite the solicitor's clear presentation of a strong case for Emily Quinn's re-entry based on her health, cleanliness and family support. An Education Department Inspector admitted that the decision to uphold her exclusion was partly to avoid setting a precedent for other enrolments and legal cases. The Education Board successfully defended its policy of exclusion if non-Aboriginal parents complained about Aboriginal students attending the school.<sup>58</sup> Emily's father, John Quinn, continued to petition the Department unsuccessfully into 1916.

1921-1922

Aboriginal students were excluded from Huskisson Public School after complaints from the Huskisson Progress Association, and the local Parents & Citizens (P&C) committee, that the engagement of Aboriginal families in the local fishing industry would disadvantage settlers. **A father protested to the NSW Minister for Education regarding his children not being allowed to attend the school.**<sup>59</sup>

1925

Batemans Bay Public School excluded Aboriginal students in response to a petition from the local P&C group. The Aborigines Protection Board and the school principal opposed the exclusion, and **local Aboriginal people wrote a letter of protest to the King of England.**<sup>60</sup>

1935

Baryulgil Public School excluded 20 Aboriginal children following a letter to the NSW Education Department from the Baryulgil Parents and Citizens Association. The secretary of the P&C said the attendance of the Aboriginal children there was inappropriate, that they were dirty, not clad properly, therefore they ought to be excluded from the school.<sup>61</sup>

1941

The NSW Department of Education Chief Inspector ordered the enrolment of students previously excluded from Collarenebri Public School. In response, non-Aboriginal parents protested and withdrew their children. **Aboriginal families lobbied to readmit their children at the school.** As a compromise, a separate class in an annex building was provided for the Aboriginal students.<sup>62</sup>

1943

Aboriginal students were excluded from North Lismore Public after protests by non-Aboriginal communities who opposed their attendance. Aboriginal students were sent to school at Tuncester, but many received little education at all owing to transport and logistical difficulties in getting to the school.<sup>63</sup>

Children of parents who obtained exemption certificates (often referred to as a 'Dog Licence') were able to attend public schools.<sup>64</sup>

1946

Aboriginal children could be admitted to public schools if they had a medical certificate to prove their health status and did not live on a reserve.<sup>65</sup>

1990

The *Education Act 1990* (current) comes into force which established the Board of Studies (now NESA). It was also the first piece of education legislation in NSW to include Aboriginal students; the objects of education listed in section 6 include the 'provision of an education for Aboriginal children that has regard to their special needs' as well as the 'development of an understanding of Aboriginal history and culture by all children'. To help realise these objectives, the functions granted to the Authority established under the Act (i.e. NESA), include developing curriculum to teach about Aboriginal histories and cultures. The Act also gives the Minister powers to control and regulate discipline in government schools, including through preparing guidelines.

1999

New discipline guidelines were introduced that granted principals unprecedented powers to suspend, exclude, and expel students. Previously a principal had to obtain the approval of a senior departmental officer before a student could be expelled.<sup>66</sup>

2002

The government established suspension centres (also known as 'return to school' programs), defined in the Department's *Guidelines for the Establishment and Operation of Suspension Centres* as 'an intervention for students who are on long suspension and have been identified by their school as likely to benefit from a structured program to assist their successful return to schooling as soon as possible'. Thus, the purported aim of suspension centres is to reduce the rates of school exclusion.

2022

Commencing at the beginning of Term 4 2022, the updated *Student Behaviour Policy* (current) and *Student Behaviour Procedures Kindergarten to Year 12* (current) emphasise practices to promote positive behaviour in schools and makes several changes, including introducing new grounds for suspension, removing 'short' and 'long' suspension categories, and introducing maximum consecutive and annual days of suspension. The appeals process outlined in the policies remains problematic – unlike decisions by other government departments which are subject to independent merits review to ensure procedural fairness, decisions to exclude students are only reviewable internally.

# QUEENSLAND



There are no comprehensive published histories exploring the involvement of Aboriginal and Torres Strait Islander children in the government school system in Queensland. Reports on industrial, reform and reserve schools provide a picture of an education system based on the removal of children, their containment in dormitories, their deliberate neglect, and their punishment largely through violence and deprivation. This system likely catered to around half the Aboriginal and Torres Strait Islander children of Queensland well into the twentieth century. However, information on education in the government system and alongside white children in major centres is missing from published histories. What is known suggests systematic exclusion from education at the standards white children were able to access. Ian Mackie's thesis reports on several important case studies that appear illustrative: first, that as with NSW, white parents campaigned to exclude Aboriginal and Torres Strait Islander children and South Sea Islander from schools with their children; at the same time, Indigenous families resisted this and sought access.<sup>67</sup> As the reserve system was defunded from the 1960s and 1970s, Aboriginal and Torres Strait Islander children gained new freedoms but still found themselves excluded from schooling through geography, poverty and lack of provision. Research suggests both forced attendance at reform and industrial schools, and the gap left after their closures contributed to the Aboriginal and Torres Strait Islander prison population in Queensland expanding from the 1990s. Recent scholarship on discipline in Queensland schools highlights both the success of reforms such as community conferencing in the 1990s, and the negative consequences of their abolition and the enforcement of stricter discipline policies from the 2010s.

1826

The first school established in Queensland opened in Brisbane, run by the Anglican Church. Other denominational, fee-paying schools followed in the coming decades, all aimed at convict and later settler children. Published histories do not make mention of Aboriginal and Torres Strait Islander children at these schools.<sup>68</sup>

1865

Introduction of the *Industrial and Reformatory Schools Act* gave the state 'care' of 'neglected' and criminalised children and empowered them to commit any Indigenous child into custody. This began the removal of Aboriginal and Torres Strait Islander children to industrial and reform schools, funded by government, as well as missions and reserves, late into the twentieth century.<sup>69</sup>

1873

The London Missionary Society (LMS) established schools in the Torres Strait in 1873 when the first mission school was opened on Murray Island. The LMS acted with the endorsement of Frank Jardine, the Queensland Police Magistrate.<sup>70</sup>

1875

Introduction of the *Education Act 1875*, purporting to make education 'free, secular and compulsory.' However, this policy was ignored for Aboriginal and Torres Strait Islander students, and Indigenous education funding remained linked to legislation and policies of Indigenous 'welfare' into the 1950s.<sup>71</sup>

1895

The school on Murray Island is made a Queensland Provisional School by the Department of Public Instruction (DPI). Provisional schools were not the sole responsibility of the DPI and so communities and families took on some responsibility for school buildings and grounds.<sup>72</sup>

### 1896 Case study – Buderim

A meeting of the Buderim Mountain School Committee noted that ‘black children’ (both Aboriginal and South Sea Islanders) were seeking an education, but parents voted two to one for a separate school instead. Reasons included the children’s so-called lack of cleanliness and moral standing. David Ewert, Inspector of Schools, concurs, noting the ‘risk of physical and moral contamination,’ and stating that it was not the responsibility of the state system to educate Aboriginal people.<sup>73</sup>

1900

The Queensland Home Secretary’s Department took responsibility for schools in the Torres Strait Islands from the DPI. This effectively created a separate system of schooling from the mainland.<sup>74</sup>

1903

The Queensland Department of Education was established. They issued a statement reflecting their focus on educating the ‘race’ of white Queenslanders: ‘The Education Department has its responsibility in developing ... a race of healthy, lusty, virile, well-educated young Queenslanders who shall play their part easily in defence, in pioneering, or in any branch of the country’s work.’<sup>75</sup>

Then Chief Protector, W.E. Roth, wrote of the schooling at Yarrabah—an industrial school for Aboriginal children—saying ‘I am pleased to report that the standard of education attempted is purposely not a high one’ focused instead on ‘habits of discipline, obedience, and routine.’<sup>76</sup>

1912

Compulsory medical and dental inspection introduced at Queensland state schools. Aboriginal students were regularly rejected from school on the claims of medical grounds.<sup>77</sup>

Compulsory schooling was introduced for Torres Strait Islander children between the ages of five and sixteen. The Regulations were designed especially for the Torres Straits: they included fines or imprisonment for the parents of truants and whipping for truants themselves. The introduction of compulsory schooling in the Islands meant that teachers were given the same legal authority as island superintendents, drawing schooling on the Islands under Queensland policies targeting Indigenous people. Teachers were authorised to mete out punishment to Islanders for a range of issues, including their perception of morality.<sup>78</sup>

1914

More reformatory institutions were established under the *State Care Act 1913*. A substandard education was provided, often with materials discarded from non-Aboriginal schools.<sup>79</sup>

1921

The Superintendent at Cherbourg reported that parents were forcibly taking back their children from the dormitories at the school. He lamented his inability to enforce ‘discipline.’<sup>80</sup>

1926

**Ernest Ah-Wang's family on Thursday Island attempted to have him admitted to a 'white school.'** The Department attempted to classify whether Ernest is Torres Strait Islander, and eventually agreed that Ernest may be admitted.<sup>81</sup>

1930s

A separate Aboriginal and Torres Strait Islander school was set up at Walkerston, Mackay proved unsuccessful after **Indigenous parents boycotted.**<sup>82</sup>

1932

The secretary of the Mitchell School, supported by the Country Women's Association and the Mitchell Progressive Association, wrote to the Department of Education complaining of 'unclean black children' attending the school. The Department arranged for an old church to be converted into the Provisional School for Coloured Children which was opened in 1935.<sup>83</sup>

1936

**Company boat crews in the Torres Strait went on strike to protest low wages and the power of white teachers in their supervisory role on the islands.** The strike was successful, with some concessions including the reduction of teacher's authority over local affairs. This strike was key to the development of the 1939 Act (see below).<sup>84</sup>

1937

**An Aboriginal parent, Queenie Rosendale, complained that children in school at Palm Island were getting too much 'vocational education' at the school.** Her complaints were dismissed with the suggestion that she was 'influenced in making her suggestions by an outside party.'<sup>85</sup>

Some teachers arrest and lock up 'law breakers' in the Torres Strait, leading to protests to the Home Secretary. The dual role of teachers as superintendents often means that their role as teachers was neglected and secondary to their role as administrators. This meant that the operation and quality of the schools across the Islands varied significantly.<sup>86</sup>

1939

The *Torres Strait Islander Act 1939* was passed which authorised the Director of Native Affairs to remove Torres Strait Islanders to reserves.

1947

Aboriginal and Torres Strait Islander children camping at Ravenshoe, outside of Cairns, were banned from the local school 'because of the disgraceful and unsavoury homes from which they come.'<sup>87</sup>

1940s

**Escape from school dormitories was common** and reported in this period. Punishment included bread and water diets, extra work, or humiliation such as 'being paraded with shaven heads and in sugar-bag dresses.'<sup>88</sup>

The Headmaster at Cooktown School rejected the Aboriginal Protector's attempt to enrol Aboriginal children in the school. He claimed that white parents will object. A plan for an Aboriginal school was repeatedly deferred while no land was allocated.<sup>89</sup>

1952

Aboriginal and Torres Strait Islander children confined to government settlements were provided with the opportunity to progress beyond Grade 4 and complete primary school for the first time.<sup>90</sup>

The admission of two children of an Aboriginal tracker was opposed at the school in Georgetown. Local settler residents petition against the children attending.<sup>91</sup>

1965

The *Children's Services Act 1965* allowed for child welfare and juvenile justice authorities via courts to remove Aboriginal and Torres Strait Islander children, repealing state guardianship.<sup>92</sup>



1970

**Beverley Murgha attempted to enrol her children in the government school at Woorabinda, attended only by white children.** The *Canberra Times* reports: 'White children go to one school, Aboriginal children to another. Queensland Aborigines are kept in their place through inferior schooling, racial separatism and general deprivation.' The dispute eventually led to the amalgamation of the two schools.<sup>93</sup>

1970s

There was an uptake of Aboriginal and Torres Strait Islander children placed in state care, after the closure of reformatory and reserve schools.<sup>94</sup>

Local Councils imposed fines on Aboriginal families in Weipa for not attending school.<sup>95</sup>

1972

**The Australian Black Panther Party was formed in Brisbane by Dennis Walker and Sam Watson. They agitated for equal treatment in education.**<sup>96</sup>

1973

**The Black Community School was established in Townsville by Eddie 'Koiki' Mabo, Bonita Mabo and Burnum Burnum. It catered to Aboriginal and Torres Strait Islander children.**<sup>97</sup>

1975

Federal funding provided specific support for Aboriginal and Torres Strait Islander education in Queensland.<sup>98</sup>

1982

The Black Community School lost its premises and was de-registered by the Queensland government, despite advocacy from the National Aboriginal Education Committee.<sup>99</sup>

1994

The first 'community conference' based on restorative justice principles was held at Maroochydoore State High School after a 'serious assault.' Research on community conferencing illustrated positive results.<sup>100</sup>

1995

Abolition of corporal punishment in Queensland schools.<sup>101</sup>

1999

*The Inquiry into the Abuse of Children in Queensland Institutions* provided a damning indictment of industrial and reform schools, noting the connection between those forced to attend and the Aboriginal and Torres Strait Islander prison population.<sup>102</sup>

2006

The *Education (General Provisions) Act* (current) provided principals with powers to suspend and expel students from government schools and introduced grounds for suspension and exclusion. The Act also gave the chief executive of the Queensland Department of Education the power to permanently exclude students from a certain government school or from all government schools in the state.<sup>103</sup>

2008

The Cape York Welfare Reform Trial commenced with the establishment of the Family Responsibilities Commission. Parents welfare or CDEP payments were garnished if children did not attend school.<sup>104</sup>

2014

The Liberal-National government of Campbell Newman passed the *Education (Strengthening Discipline in State Schools) Amendment Bill 2013 (Queensland)*. It gave principals greater autonomy and power to suspend students, allowed principals to suspend students for both criminal and non-criminal behaviour which can occur outside the school grounds and outside school hours, and gave principals power to impose community service on students outside of school hours. It increased the length of suspensions from 1-5 days from 1-10 and long suspensions from 6-20 days to 11-20 days. It reduced the requirement for principals to consult with families and caregivers. In the years after, exclusions and suspensions reached a new high.<sup>105</sup>

2015

*The Courier Mail* reported that the number of children in prep being expelled is increasing.<sup>106</sup>

The story of a nine-year-old autistic child subjected to over 20 time-outs a year in a 'prison cell-like' room created a scandal in Queensland. The Minister announced a review into education for students with a disability.<sup>107</sup>

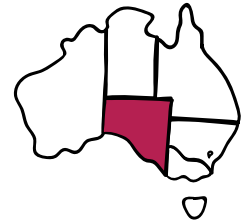
2022

Queensland Advocacy for Inclusion reported on data obtained by Right to Information requests from the Queensland Department of Education. They found that Aboriginal and/or Torres Strait Islander students and students with a disability were three times more likely to be expelled, and students in out of home care were six times more likely. The highest rates were for students who were members of all three groups.<sup>108</sup>

2023

The Australian Children's Commissioner condemned the Queensland government's decision to allow children as young as ten to be indefinitely detained in adult facilities, with no access to education.

# SOUTH AUSTRALIA



As with most other states, many histories of education in South Australia omit any reference to Aboriginal children. The work of Marjorie Theobald, Pavla Miller, and most recently, Kay Whitehead, Lester Rigney, and Belinda McGill have engaged directly with how government schooling excluded Aboriginal children and was experienced by them in the 20<sup>th</sup> century.<sup>109</sup> Historians who have referred to the education of Aboriginal children have mostly noted schooling on reserves and missions, such as at Point Pearce and Point McLeay, however, there has not yet been sustained attention to the experiences of Aboriginal children attending government schools beyond these places. The experiences of children who attended government schools while living in South Australian institutions, such as Colebrook and St Francis House, are an exception to this, and are explored in many autobiographies.<sup>110</sup> There has also been some work on the homeland schools in the post-1968 era.<sup>111</sup> As noted in the timeline, the SA Education Department did not keep records about Aboriginal children's schooling, meaning government records are unreliable sources for truth-telling about educational exclusion and discrimination.

The *Education Act* of 1875 legislated compulsory and secular schooling for all non-Aboriginal children between the ages of 7-13, while Aboriginal children remained under the jurisdiction of the Protector of Aborigines. Consequently, Aboriginal children continued to be excluded from public schools and the establishment of a separate system was formalised when, in 1911 the *Aborigines Act* was passed which made the Chief Protector of Aborigines the legal guardian of every Aboriginal person, and 'half-caste' child, under the age of 21, regardless of their family. The Chief Protector worked with the SA Education Department to establish and subsidize 'special schools' on some reserves and missions. As in other states, the South Australian Education Department used the location of schools on missions and reserves as justification for the exclusion of Aboriginal children from public schools. In keeping with assimilation policies, from the 1950s onwards the Department of Education began to take over separate missionary schools, gradually incorporating them into the public school system. A number of other mission schools were closed, leading to the enrolment of Aboriginal children in nearby public schools. This, together with the movement of Aboriginal families into Adelaide during this same period, saw the increase of Aboriginal children's enrolment in public schools. However, there remained significant racism from white communities and policies of forced removal continued at high rates throughout the twentieth century.

1875

The South Australian Education Department was established with the passing of the *Education Act 1875* and education is made compulsory and secular. Fees remained until 1892.

1881

Point Pearce was the first Aboriginal school within the government system.<sup>112</sup> It was a one-teacher, provisional school, chronically underfunded.

1908

The school at Point Pearce was found to be in serious disrepair. The Director of Education decided to reduce the hours of attendance for children and to restrict the curriculum rather than invest in building repairs. **Families at Point Pearce, supported by the white teacher, Livinia Francis, unsuccessfully protested these changes. They wrote to the Department that an 'invidious distinction is being made through the full curriculum being extended to white children, while the same opportunities are denied to Aboriginal children.'**<sup>113</sup>

1911

The *Aborigines Act 1911* was passed which referred to the responsibility of the government to provide for the 'custody, maintenance and education' of Aboriginal children 'where possible', resulting in the establishment of two Education Department schools at Point McLeay and Point Pearce.

1916

The report of the Royal Commission on the Aborigines 1916 was delivered. The inquiry found that 'there is not much scope for educating the children of Aboriginal parents.' It recognised that some mission schools, especially at Koonibba, were 'successful' and undertaking 'creditable efforts', however, the government provided no funding to that school and rejected the commission's recommendation that the school there be incorporated into the government school system.<sup>114</sup>

1913

The head teacher of the Wellington Public School, Catherine Thomas, enrolled an Aboriginal student whose father worked at Bowman Station, located close by. Non-Aboriginal families objected, and Thomas sought advice from the Education Department's Board of Advice. The chairman replied that 'teachers were not compelled to take children coming in from wurleys' for some years prior. Thomas then excluded the student, and cited the school at Point McLeay as a viable alternative.<sup>115</sup> **Her father protested, writing to the Director of Education that:**

**'[We] are supposed to go out from Point McLeay and make a living amongst white folks; if this be so, what are we to do about the education of our children... I am living 20 miles from the [mission] school, so how can my children attend it.'**<sup>116</sup>

### 1923 Case study 'Give Us Our Children' petition

Three Ngarrindjeri Elders presented the 'Give Us Our Children' petition to the Governor of South Australia, protesting the *Aborigines (Training of Children) Act 1923*. This Act made legal the forced removal of Aboriginal children who had either obtained a school qualifying certificate or obtained the age of fourteen years from their families and their committal to institutions. The original petition has since been 'lost' by the South Australian government.

1926

At Swan Reach, Aboriginal children lived within one mile of the government school, but they were not permitted to attend it. The United Aborigines Mission established a mission at Swan Reach in 1926, and opened a school there to provide 'Christian education' to Aboriginal children.<sup>117</sup> This school was subsidised by the Education Department until the mission closed in 1946. The Department supported the school in part because of the number of Aboriginal children who would have otherwise attended the government school at Swan Reach. Education Department School Inspector Arthur Pitt commented that:

**The mission serves to relieve the Swan Reach School from certain problems arising from racial prejudices that have manifested themselves amongst the white parents when the number of black children in the school was a noticeable percentage. If these children were to attend Swan Reach School they would form 20 to 25 per cent of its roll.<sup>118</sup>**

As historian Marjorie Theobald has noted, '[a]t this point, government policy became circular, for the Department could and did legally refuse permission for Indigenous children to enter the Swan Reach Public School on the grounds that the mission school was closer to their place of residence.'<sup>119</sup>

The extent of exclusion of Aboriginal children from Education Department schools was made evident when the Advisory Council of Aborigines (1918–1940) requested enrolment numbers from the Education Department. The Director replied that there was 'no record' and that 'outside of Point McLeay, Point Pearce and Oodnadatta the number is very, very small.'<sup>120</sup>

1940

The Education Department provided a portable school building to white missionaries at Umeewarra after white people in the town protested Aboriginal children's attendance at the Port Augusta Primary School. The school was staffed by a missionary, Mrs Wild who taught only in the mornings. From 1941, two white missionaries from QLD, who were also trained teachers, arrived to take over the school. The missionaries also established a dormitory system and children lived there separately from their families. This school continued to be subsidised by the SA Education Department into the 1950s.<sup>121</sup>

1953

Miss Simmons, a missionary at Umeewarra, posted a notice directed at families that it was 'an offence for any parent to fail to send his or her children to school'.

1969

The *Report of the Committee of Enquiry into Education in South Australia 1969–1970* found significant systemic barriers facing Aboriginal children's education:

**All Aboriginal children in the State do not attend school. It is estimated that at least 100 school age children living on sheep and cattle stations are in this position, and for some 76 children below 17 years of age on the reserve at Indulkana no school is available. Many Aboriginal children outside the cities do not enter school until they are seven years old.<sup>122</sup>**

Despite this finding, the Report made no specific recommendations concerning Aboriginal education.<sup>123</sup>

White administrators working on settlements on Pitjantjatjara Country during the late-1960s actively contributed to creating fear and distrust of schooling. The rules of one settlement included 'Children cannot play in the streets... When school is finished they must go straight home.' Administrators at the same settlement used cars to locate children absent from school, and then subsequently drove the cars in a threatening way until the children were exhausted.<sup>124</sup>

1974

The Adelaide Aboriginal Community College opened for adult education after repeated requests from the community for post-secondary education and support for adult literacy.<sup>125</sup>

The community at Amata campaigned for a school for five years; after a school was opened, a committee was created to discuss curriculum, but did not include any Indigenous community representation.<sup>126</sup>

1984

The South Australian Education Department released *Procedures for Starting a Homeland School*.

1985

The report, *Looking for a Better Way In Secondary Education for the Pitjantjatjara Children of South Australia*, was released.

1990

The Education Department released its charter: 'Educating for the 21st Century', that included commitments to enact principles of social justice such as: Anti Racism; Students with Disabilities; Aboriginal Operational Plan; Multiculturalism.

2019

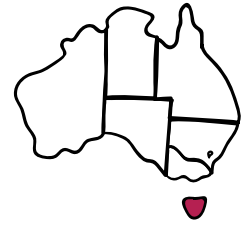
The *Aboriginal Education Strategy: 2019 to 2029* was released, which was framed around the vision that each Aboriginal child and young person is 'a proud and confident learner, achieving at their highest potential'. The strategy however did not address the disproportionate exclusion of Aboriginal students from schools.

The *Education and Children's Services Act 2019* (current) comes into force, which provides principals with the power to suspend, expel and exclude students from government schools. Further details are contained within the *Education and Children's Services Regulations 2020* (current).

2020

The *Final Report of the Inquiry into Suspension, Exclusion and Expulsion Processes in South Australian Government Schools*, Commissioned by the South Australian Minister for Education, was released. The report found that Aboriginal students are overrepresented in suspension statistics (constituting just 6.6% of enrolments in 2019, but 17.6% of suspensions) and exclusion statistics (constituting 20.3% of exclusions).

# TASMANIA



There has so far been very little historical scholarship focused on schooling for Aboriginal children in Tasmania. The most comprehensive history of Tasmanian education, *Making More Adequate Provision*, makes no mention of Aboriginal people at all. Some historians have examined schooling on reserves and missions.<sup>127</sup> Participation of Aboriginal families in the government school system has not been investigated. The myth that there were no Aboriginal people living in Tasmania has contributed to the lack of records and historiography. Unlike other states that established protection boards, Tasmania did not establish a separate administrative body nor develop legislation specifically targeting Aboriginal people. Instead, the Tasmanian government 'resolutely insisted that Tasmania did not have an Aboriginal population' into the 1960s.<sup>128</sup>

1868

With the *Public Schools Act*, Tasmania became the first state in Australia to introduce compulsory education for children who lived in 'settled' areas, no more than a mile from a school, and who were between the ages of seven and 12.<sup>129</sup>

1871

Three years after the passing of compulsory schooling legislation in Tasmania, two government teachers were appointed to Badger Island and Cape Barren Island as teachers for the more than 60 children living there, most of whom were Aboriginal.<sup>130</sup>

1873

Compulsory attendance is extended by the *Public Schools Amendment Act 1873* to children who lived in 'settled' areas, no more than two miles from a school, and who were between the ages of seven and 14.

1885

The *Education Act of 1885* established the Education Department. It made it compulsory for all children aged between seven and 13 to attend school three days a week unless they were instructed elsewhere, had poor health, or there was no school within two miles.

1895

Along with the police, the schoolteacher at Cape Barren Island served as representative of the government. In 1895, the teacher, Edward Stephens, fired his rifle over the heads of a group of islanders, threatening to shoot all the Aboriginal people. He resigned soon after.

1908

Furneaux Islands: *Report on the State of the Islands*, 1908, based on the inquiries of the Commissioner of Police, Mr J E C Lord, was tabled in Tasmanian Parliament. The Report noted that 'There is no school at Flinders Island ... At a meeting at White Mark I was informed that residents had the promise of a teacher from the Education Department, provided they erected a schoolhouse.'<sup>131</sup>

1913

The White Mark School on Flinders Island was closed 'because of the failure of the parents to send their children with sufficient regularity to maintain an average of 10.'

1920

The Secretary of Lands proposed to send all children living on Cape Barren Island to schools on the Tasmanian mainland. He was informed that this was illegal.

1924

A parliamentary committee decided to increase supervision and control of residents living on the reserve on Cape Barren Island.

1928

The head teacher at the Cape Barren State School was made special constable, an arrangement that lasted until 1980. This gave him the power to remove children for neglect. There was a shed at the back of the Cape Barren School that was sometimes used as a lockup.<sup>132</sup>

1929

A government report into the administration of Cape Barren Island recommended the removal of many of the children living there.

1935

Under the *Infant Welfare Act 1935*, an unknown number of Aboriginal children were forcibly removed from their families on the islands. This Act in some ways criminalised poverty and allowed for a parent to be imprisoned if convicted of the offence of neglecting a child. The children who were removed were placed with white foster families or in institutions. Some families left Cape Barren for Invermay on the outskirts of Launceston.<sup>133</sup>

1937

**The community at Cape Barren Island presented a petition to the Tasmanian parliament appealing for 'equal treatment with their white brethren in the matter of social service payments, and the right to travel, not to be pushed back by Cape Barren Island authorities.'**<sup>134</sup>

1944

An inquiry into Cape Barren was held. There were 106 Aboriginal people living there. The inquiry problematised the Aboriginal identity of the Islanders while at the same time denying their Aboriginality.<sup>135</sup>

1950s

More and more children were moved to the mainland under child welfare legislation. The role of the school and headmaster in the removal of children was made clear in the *Bringing Them Home* report. One man was removed from the school, after the teacher called him over to the door where a waiting welfare officer took him. His file showed that the teacher had been providing information to the welfare department, and the consent form his mother had purportedly signed had been witnessed by the teacher.<sup>136</sup>

1960

The Education Department adopted the position that children living at Flinders Island should be encouraged to attend school on the Tasmanian mainland.

1967

The Director of Education raised the possibility of closing the Cape Barren Island School.

1968

The Commonwealth Government allocated \$25,000 to Tasmania to 'advance' the 'welfare' of Aboriginal people through housing, health and education.

1969

The *Mercury* publishes a letter to the editor from the headmaster of the Cape Barren Island Special School, W. J Phelps, who states: 'The race of Cape Barren Islanders must become assimilated into a wider community.... there are several island children of school age who are receiving their education on the Tasmanian mainland. While it is unfortunate that these children have to live apart from their parents for much of the year, the education they are receiving will do much more to prepare them for living in a 'normal' community than would the education they would receive in the restricted environment of the island.'<sup>137</sup>

1970

There were approximately 20 students enrolled at the Cape Barren School, with two teachers. The school continued to run on a different school timetable, and remained open through January, closing in March and April to allow for birding.



1973

The Tasmanian Aboriginal Centre (originally the Tasmanian Information Centre) was established. It focused on repatriation, the return of land and Aboriginal identity.

1977

**The National Aboriginal Education Committee held their third meeting in Tasmania to refute the myth that there were no Aboriginal people in Tasmania, and to challenge the Tasmanian Department of Education to address educational opportunities for Aboriginal people.**<sup>138</sup>

1994

The *Education Act 1994* included compulsory attendance for children 6 years of age and older and made provisions on discipline for 'unacceptable behaviour'.

2013

The Commissioner for Children released a [report](#) on the practice of school expulsion and/or exclusion in Tasmania. The report summarised key themes in the literature on school exclusion as well as trends emerging from national and international data, including disproportionate rates of exclusion for Aboriginal students and students with disabilities.

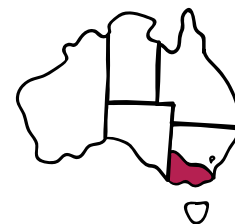
2014

Jeremy Rockliff, then Minister for Education and Training, announced a review of the *Education Act 1994* including the compulsory schooling age. During the course of the review, then Commissioner for Children, Mark Morrissey, warned against suspending students from school and called for more alternatives to suspension and expulsion to be included in the reviewed *Education Act*. Thus far, this does not seem to have been implemented.<sup>139</sup>

2016

The new *Education Act 2016* (current) came into force which reduced the compulsory schooling age to five years and provided school principals with the power to suspend students (two categories of suspension are established under the Act: immediate suspension and non-urgent suspension) for 'unacceptable behaviour'. If the principal is satisfied that a student's behaviour warrants more serious consequences, the principal can refer the matter to the Secretary of the Department for Education, Children and Young People who has the power to exclude or expel the student ('exclude' constituting removal from school for a period longer than 2 weeks and 'expel' constituting the permanent removal of the student from the school or all government schools). The Secretary's [Instruction No. 3](#) (current) outlines the behaviour that constitutes 'unacceptable behaviour' (which extends to contravening the school dress code) and [Instruction No. 4](#) (current) outlines the processes that must be followed when issuing suspensions.

# VICTORIA



Most of the historiography dealing with the educational experiences of Aboriginal people in Victoria has been case studies focused on mission and reserve schools. Richard Broome's *Aboriginal Victorians* makes some mention of government schools attended by Aboriginal families.<sup>140</sup> Beth Marsden's PhD thesis focuses on the history of Aboriginal people's experiences of the government school system from which this section draws a substantial amount of information.<sup>141</sup> There are few historical records available, as the Victorian Department of Education did not keep any records about the education of Aboriginal students until the late 1960s. Aside from some of the mission schools, there were no separate schools specifically for Aboriginal children. There was also no departmental response to, or policy regarding, the education of Aboriginal children in Victoria until 1968. This means that researching the exclusion of Aboriginal children from Victorian government schools is based on singular schools and events, which have been researched to uncover and understand government methods of exclusion and Aboriginal responses and resistance to this.

1872

The *Education Act 1872* passed. It does not include any reference to Aboriginal children.

1886

The *Aborigines Protection Act 1886* gave powers to the Board for the Protection of Aborigines to remove children from their families and to place them in institutions, including industrial schools and reformatories, or with white families.

1890

The Victorian *Education Act 1890* established some exemptions for non-attendance, such as distance from school, illness, infirmity, receiving sufficient instruction elsewhere, or having been educated to the required standard.

1890

The *Aborigines Act 1890* consolidated the 1886 Act but added the crucial regulation that the Board was made 'responsible for the care and custody and education of the children of aboriginals.' This made it legal for the Board to place all Aboriginal children in state 'care.' This regulation also made strong the link between the forced removal of Aboriginal children and the mainstream child welfare system through the systemic placement of children in institutional 'care' for education, after which the Board 'licensed' them for 'apprenticeships' until the age of 21. The 'training' given to Aboriginal children in institutions was for low-paid manual labour (farm work for boys and domestic work for girls). The Board's 'apprenticeships' did not ensure training or qualifications commensurate with trade and craft apprenticeships. It seems likely this scheme remained in place until 1958.

1891

All mission and station schools were made the responsibility of the Education Department. This was far earlier than in other colonies, with some state Education Departments only taking on this responsibility in the mid-twentieth century. The effect was assimilatory and an early instance of mainstreaming.

1901

The *Education Act 1901* also introduced a range of other measures of attendance that further defined issues such as distance from school and required rates of attendance. This Act also mandated parents provide a written explanation for any absence within seven days and introduced transfer notes used to monitor the movement of children between schools.

1902

Aboriginal children were excluded from Antwerp State School and attended the mission school at Ebenezer.<sup>142</sup>

1911

The *Education Act 1910* is amended. This Act was based on the WA legislation, and transformed the ways that the compulsory clause was enforced, resulting in much higher attendance rates across the state.

1915

Aboriginal children were again excluded from the Antwerp State School. The Education Department, the Board for the Protection of Aborigines, and the Premier's office, were all aware of the ongoing exclusion, lasting into the 1920s. The Education Department did nothing to address the situation to avoid complicating Board policy to pressure the community at Antwerp to move to the Lake Tyers reserve, many hundreds of kilometres away in Gippsland.

1939

**After the Cumeragunja walk-off, the strikers tried to enrol their children in the Barmah State School. Their enrolment was denied because the school was allegedly full. The strike camp set up a school on the riverbank so that the children could continue their education. Aunty Olive Jackson was one of the children, she remembered '[t]he men put up bough sheds, a rough frame with leafy branches for the roof, and they used this as a meeting hall for discussions, and then for our school classes.'**<sup>143</sup> In October a deputation of the strike leaders and some white supporters met with the Victorian government minister responsible for education to ask for a school. The minister refused and suggested instead the children attend the school at Cumeragunja. This is one example of how Education Departments allowed surmountable barriers to school access for Aboriginal children, resulting in exclusion.

1958

The *Aborigines Act 1958* was passed. Like previous legislation, it made little specific mention of the education of Aboriginal children. The new assimilationism encoded in the Act did mean, however, after years of apathy and exclusion, that the government started to actively monitor and enforce compulsory attendance through the application of the compulsory clause in the *Education Act*. The work of the welfare officers included to 'Maintain contact with schoolteachers and attendance officers to ensure regular attendance... and to prevent the employment of children of school age on seasonal and other work.' The Education Department made no changes to the teaching and learning for Aboriginal students in Department schools and worked with the welfare officers to monitor attendance.

1967

The first national conference on Aboriginal Education was held at the Centre for Research into Aboriginal Affairs at Monash University in 1967. The conference highlighted some new ideas but also the rigidity of older policies was evidenced in the papers given by NT and QLD representatives.

1970

**The Koori Kollij was established by Bruce McGinnis in Melbourne to teach 'black studies, leadership and health programs' and to address the failure of the school system.**<sup>144</sup>

1985

**The Victorian Aboriginal Education Association (VAEAI) was established.**

### 1992 Case Study: Contest over Northland College

The Victorian Liberal Kennett government announced the closure of Northland College, a government school in Preston. At the time of the announcement, Northland had the highest enrolment of Aboriginal students at any secondary school in Victoria. A protracted legal battle followed. Some of the Koorie teachers set up their own mobile Rebel School to ensure children had access to culturally safe schooling. In 1992, the Victorian Equal Opportunity Board ruled that the Victorian government had discriminated against Koorie students, declaring that 'we cannot find that the financial and other considerations in (closing) Northlands ... outweigh the basic right of the Aboriginal students to have as effective access to public education as non-Aboriginal students.'<sup>145</sup>

1994

Following a formalised agreement between VAEAI, the Victorian Education Department and Local Aboriginal Education Consultative Groups, invitations to express interest in an Koorie Open Door School (KODE) were invited from Indigenous communities in Victoria. There were eight KODE schools opened around the state.<sup>146</sup>

1996

The Tripartite Agreement was made between VAEAI, Victorian Government and Commonwealth Government.

2001

The Yalaca partnership on Education and Training for the New Millenium policy was released.

2006

The Victorian College of Koorie Education was established after some KODE schools were disbanded in 2004.

The *Education and Training Reform Act 2006* (current) was passed which established the compulsory school age as between 6 and 17 years. The Act also gave government school principals the power to suspend and expel students from a school and gave the Secretary the power to prohibit a student expelled from a government school from attending any other government school. Of particular concern was that the Act required the Secretary to destroy all documents relating to the expulsion of a student within 12 months of the student being expelled or ceased to be of compulsory school age, whichever was later.

2007

The Department of Education and Early Childhood Development report that of the 700 Koorie students in secondary schooling, 16% leave in Years 9 and 10, 22% leave in Years 10 and 11 and 41% leave between Years 11 and 12.

2008

The announced closure of the KODE school in Mildura drew protests from families there, with the ABC reporting that they 'wanted the decision reversed and ha[d] issued an open letter to the Minister and started distributing a petition,' that they had not been consulted on the closures, and that the input of Elders had been ignored by government.<sup>147</sup>

2012

The Report of the Protecting Victoria's Vulnerable Children Inquiry recommended the creation of a dedicated Commissioner for Aboriginal Children and Young People.

2014

The Education Department noted an increased retention rate for Aboriginal and Torres Strait Islander students from 77% in 2005 to 97% in 2014.

The first Koorie Youth Summit was held in Victoria.

2016

The Marrung: Aboriginal Education Plan 2016 to 2026 was launched. It was developed in partnership with VAIEA and the Education Department. The Plan focused on improving teaching, learning and development for Aboriginal students, but did not address the issue of school exclusion.

The report, YACVic, Suspensions and Expulsions in Victoria Schools– Preliminary Paper for Discussion, May 2016, noted that Victoria’s Commissioner for Aboriginal children and Young People held ‘serious concerns about suspensions and expulsions, notably amongst the large numbers of Aboriginal children and young people in care.’

2017

The Victorian Ombudsman’s report into school expulsions in Victoria during 2016 found that 6% were Aboriginal and Torres Strait Islander (despite representing less than 2.5% of the Victorian government school population).<sup>148</sup>

2018

Students and families were given more grounds to appeal expulsions following a Ministerial order (current) developed in response to the 2017 Ombudsman’s report.

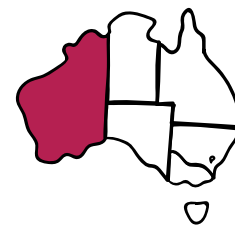
2020

The number of expulsions in Victoria was significantly lower in 2019 following improved appeal processes: there were 192 expulsions in 2018; and 184 in 2019.<sup>149</sup>

2023

The Victorian Education Department Expulsions policy (current) requires that principals must undertake ‘additional actions’ when considering ‘expelling a student who is in out-of-home care, a Koorie student, a student with substantial or extensive levels of adjustment as defined by the Nationally Consistent Collection of Data (NCCD) on School Students with Disability, or an overseas student.’ The grounds for expulsion include consistently behaving in ‘an unproductive manner’.

# WESTERN AUSTRALIA



Research on school exclusion in Western Australia (WA) relied on a combination of archival research, government and other commissioned reports, and historiography. Passage of colonial legislation and policy pertaining to education and Aboriginal people, as well as reports of Royal Commissions and other inquiries in the colonial period, provided the basis foundation for research in the colonial period, together with established histories of WA such as Anna Haebich's *Broken Circles* and C. F. Mounsey's 'Aboriginal Education'. Trove was used extensively to find media reporting on school protests and exclusions, as well as to source commissioned reports and research from the first half of the twentieth century. From the 1970s onwards, existing research in the field of Aboriginal education, including articles by Hogarth and Beresford, analysed key policy and legislative changes and provided references to relevant material including commissioned reports. Annual reports of the WA Department of Education are publicly available from 2009–2023, and detail government strategies and policies pertaining to Aboriginal education, yet accurate school exclusion data remains difficult to source and access.

More than 100 years after European forms of education were imposed in the Swan River colony, Aboriginal people continued to be denied access to quality schooling. Schools established in the colony prior to 1900 were established by religious groups and offered a programme of instruction considered to be 'useful'.<sup>150</sup> The passage of the *Elementary Education Act* in 1871 seemingly afforded all children access to schooling, yet Aboriginal children continued to be excluded from schools as a result of subsequent legislation. This included, first, amendments made to the *Elementary Education Act* in 1893 that established school districts and school boards, effectively increasing the influence of local landowners over schooling, including determining who could be excluded. Second, a suite of restrictive legislation passed between 1886–1905, which placed Aboriginal people under strict government controls and allowed Aboriginal children to be excluded from government schools, began a period of formal school segregation between 1905–1942. During that period, missionary schools increased from five in 1905 to 21 by 1950, yet the education they provided continued to be substandard. Changes to protectionist legislation in the 1930s saw the Education Department gradually take greater control over Aboriginal education, and from the 1940s, Aboriginal children were admitted to government schools provided they met white 'hygiene standards'. In 1942, after a failed attempt by white parents to exclude Aboriginal children from the Pingelly school, the Education Department advised that children could not be excluded from schools on the basis of race. From the 1950s onwards, government policies of assimilation identified school education as key to success, and focus shifted to including Aboriginal children in government schools. A suite of changes followed the 1967 referendum and 1972 election of the Federal Whitlam Government, including the establishment of an Aboriginal Education Section within the Education Department. By 1977, 18,000 Aboriginal students were enrolled in government secondary schools. Today, WA has the highest rate of overrepresentation of Aboriginal youth in detention in Australia.<sup>151</sup>

1844

It was made an offence to remove Aboriginal girls from school or employment without official permission.<sup>152</sup>

1847

The General Board of Education was established to oversee the development of the Colony's schools.

1871

The Anglican Swan Native and Half-Caste Home (SNHC Home) opened on the outskirts of Perth. The school there followed the state school curriculum and classes were inspected by the Inspector of Schools.

The *Elementary Education Act* was passed.

1874

The *Industrial Schools Act* was passed, the first comprehensive attempt at child welfare legislation in WA established with the purpose of 'providing for and educating orphan and necessitous children, or children or descendants of the aboriginal race'. Under the Act, Aboriginal children could be handed over by a magistrate to schools and institutions approved under the Act.

1886

The *Aborigines Protection Act 1886* was passed, establishing the Aborigines Protection Board which had wide powers to control the lives of all Aboriginal people in WA, including removing Aboriginal children. The Act also empowered Magistrates to 'apprentice' Aboriginal children to work to the age of 21 years.

1893

The *Industrial and Reformatory Schools Act 1893* was passed.

The *Elementary Education Act Amendment Act 1893* was passed.

1897

The *Aborigines Act 1897* was passed which abolished the Aborigines Protection Board and established the Aborigines Department in its place. The Act also limited the expenditure on Aboriginal welfare to a fixed sum rather than the one percent of revenue that was required under the Constitution.

1905

The *Aborigines Act 1905* was passed under which the Chief Protector of Aborigines became the legal guardian of every Aboriginal child to the age of 16 years. The Act also permitted authorities to 'send and detain' Aboriginal children in institutions and in 'service'.

Missions for Aboriginal children were no longer under the control of the 1874 *Industrial Schools Act* and were instead classified as 'Aboriginal institutions' under this new act. This afforded the Department greater powers over Aboriginal children which facilitated segregation of Aboriginal children.

Aboriginal children were expelled from the Shark Bay State School by the provision in the *1893 Education Act* allowing expulsion on the grounds that a pupil was 'suffering from any infectious or contagious disease, or whose presence is otherwise injurious to the health and welfare of other children.' Another student was expelled from Woodlupine in 1906 on the same grounds.<sup>153</sup>

### 1911-1915 Case Study: School Exclusions in the Wheatbelt

A series of school exclusions resulting from settler protests took place in the towns of Beverly, Katanning, Quairading, and Mt Barker in the south-west and wheatbelt regions of WA. The outcome of these contests was that the Education Department instituted an 'exclusion on demand' policy for schools in the southwest of the state. The Aborigines Department opened the Carrolup and later Moore River reserves to which children were removed for their 'education'.

1913

Australian Aborigines Missions missionaries working at the Dulhi Gonyah Orphanage tried to enroll sixteen children at the Victoria Park State School. To deal with the resulting conflict, the Aborigines Department provided another teacher to the orphanage school.<sup>154</sup>

1918

Aboriginal children were officially excluded from state schools in Western Australia.<sup>155</sup>

1919

The Director of Education wrote to a Member of the Legislative Assembly, H Griffiths, that: 'No objection is raised to the admission of half-castes if the other parents do not object. If the parents object they must be excluded.'<sup>156</sup>

1936

The *Aborigines Amendment Act 1936* was passed (also known as the Native Administration Act). The new Act essentially gave power to the Commissioner to determine who was and who was not 'native.'

1942

Report of the Education Department noted that Aboriginal children 'may be admitted to State schools if they conform to white standards in the matter of personal hygiene'.<sup>157</sup>

1946

Introduction of a curriculum for Aboriginal students. The Education Department introduce a Provisional Curriculum for Coloured Pupils in Caste Schools: this was used in schools on missions and in government settlements. It focused on basic numeracy and literacy, religion, moral and hygiene.<sup>158</sup>

1948

Schooling for Aboriginal children was made compulsory, 78 years after compulsory education legislation was passed in WA. This change did not apply to Aboriginal children living more than three miles from a school or transport service, meaning those living on a pastoral station were exempt from the compulsory clause.

1951

Review of native affairs gave schools on missions and other settlements the status of government schools.<sup>159</sup>

1967

The Native Welfare Department recommended streaming Aboriginal students into low status practically oriented courses.<sup>160</sup>

1974

Report of the Western Australian *Royal Commission into Aboriginal Affairs* was delivered. It claimed that education was available to Aboriginal children in the same way as non-Aboriginal children, but that in the Far North and East of the state, children were prevented from attending normal courses due to distance.<sup>161</sup>

1976

**The Strelley school opened.** The independent, Aboriginal-controlled school was run by groups from and descending from the Pilbara strikers who had purchased the station. After the mob were denied funding and support for a school by the WA government, they were



able to secure funding in the final days of the Whitlam government. **Strelley emerged as a multilingual school where Aboriginal people lead production of curriculum materials, and where an Aboriginal council governed school decision-making.**<sup>162</sup>

1978

**The Kulkarriya School was set up on the Noonkanbah station in 1978 with support from the Strelley school.**<sup>163</sup>

1980

**The Christian Aboriginal parent-directed school opened in Coolgardie on the initiative of parents, many of whom were educated at the Mount Margaret Mission.**<sup>164</sup>

1981

**The Aboriginal Cultural College at Lake Gnangara opened, supported by both the WA and federal governments and auspiced by the Nyoongah Aboriginal Corporation.**<sup>165</sup>

1982

**The Yiyili Community School was established at Yiyili community on the initiative of the community, with state and federal funds, initially teaching in a bough shed with a single teacher.**<sup>166</sup>

1984

A parliamentary inquiry reported on the five independent **Aboriginal-controlled community schools** in Western Australia as part of a national report, concluding that they represent a viable alternative to mainstream schooling.<sup>167</sup>

1990s

Throughout the 1990s, WA had among the lowest retention level of Aboriginal students of any state and the disadvantaged position of Aboriginal youth generally was signified by incarceration rates higher than all other states.<sup>168</sup>

Quentin Beresford noted that:

**policy in Aboriginal affairs in WA created intergenerational marginalisation in education. This was the outcome of three distinct but interlocking policies on Aboriginal affairs: racially segregated living; forced removal of children from their families; and cultural assimilation.**<sup>169</sup>

1995

A small exploratory study of government schools in Western Australia found that Aboriginal students were suspended from school at twice the rate of the total population, and for over twice the number of days. In addition, Aboriginal students were four times as likely to be permanently excluded from Western Australian schools than non-Indigenous students.<sup>170</sup>

1999

The *School Education Act 1999* (current) was passed which gave school principals the power to suspend students for a breach of school discipline. For expulsions, the principal can make a recommendation to the chief executive officer of the Department of Education, who then refers the matter to the School Discipline Advisory Panel, or, in the case of a child with a disability who is the subject of a recommendation for exclusion, to the Disability Advisory Panel established under the Act.

2009

The average attendance rate in the primary years (Years 1–7) for Aboriginal students was 81.4 per cent compared with 93.9 per cent for non-Aboriginal students. In the secondary years (Years 8–12) the rate for Aboriginal students was 67.5 per cent compared with 89.3 per cent for non-Aboriginal students.<sup>171</sup>

2010

The WA Department of Education *Better attendance: Brighter Futures* strategy was implemented in 2010. Funding of \$15 million was redirected over four years towards the strategy, most of it for Aboriginal attendance.<sup>172</sup>

The strategy noted: 'Despite concerted efforts, there has been no improvement in Aboriginal student attendance over the last five years nor has there been a reduction in the 16% gap between Aboriginal and non-Aboriginal attendance rates. Two thirds of Aboriginal students attend less than 90% of the time.'<sup>173</sup>

Strategy number 2, 'Direct Support to schools and communities with the greatest need', noted that: 'Schools and communities will be identified using the annual attendance audit data including attendance rate, percentage of students in each at-risk category and percentage of unauthorised absences. Aboriginality will be central to the identification process.'

Strategy 9 noted that 'All Aboriginal students with an attendance rate below 80% will require a documented plan'.

2011

The Aboriginal Education Plan for WA Public Schools 2011-2014 was launched which focused on improving school readiness, attendance and literacy and numeracy outcomes.<sup>174</sup> The Plan made no mention of exclusion.

2015

WA Auditor General's Report Aug 2015 noted: 'Sixty-five per cent of Aboriginal students fall into one of the three categories of educational risk due to non-attendance. Half of all students at 'severe educational risk' are Aboriginal though they represent just nine per cent of all students. Amongst Aboriginal students, 59 per cent of absences are unexplained.'<sup>175</sup>

The report also found that there had been no improvement in student attendance since the last audit in 2009.<sup>176</sup>

2019

Commissioner for children and young people WA website noted that only 28.0 per cent of Year 7 to Year 10 Aboriginal students attended for at least 90 per cent of the time (compared to 70.2% of non-Aboriginal students). There had been no improvement in this rate over the last five years.

2021

2021-22 DoE WA report stated that public school attendance rate for Aboriginal students was 71.3% down from 73.1% in 2020. It also reported the percentage of Aboriginal students against 'regular attendance', and then 3 risk categories (Indicated, moderate and severe). The percentage of Aboriginal students at 'severe attendance risk' was 27.3% compared to just 5.2% of non- Aboriginal students.

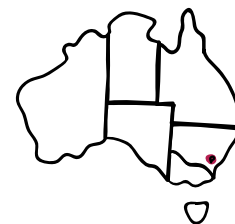
2021-22 DoE WA report noted that 'Since the launch in late 2018 of *Let's take a stand together*, the state government's plan to address violence in schools, the numbers of students suspended and excluded have increased.'

2023

News media reported significant decrease in school attendance in almost every public school in WA's north (where there are large Aboriginal and Torres Strait Islander populations).<sup>177</sup>

The Student Behaviour in Public Schools Procedures (current) were updated. According to the Procedures, school principals must engage with the school community in a co-design process to develop expectations around student behaviour. They must also incorporate restorative justice principles and comply with the *School Education Act 1999* and the requirements related to the Student Behaviour in Public Schools policy which is not publicly available.

# AUSTRALIAN CAPITAL TERRITORY



Prior to 1911, schooling in the Canberra region was part of the history of the NSW schooling and the Department of Public Instruction. Nineteenth century schools in the region were located on stations or in churches. Government schools were established from the 1870s onwards, most small one-teacher 'bush schools'. A comprehensive database of schools of the Capital Territory region is available and provides a detailed account of school exclusion of Aboriginal children at Yass, beginning in 1883 and extending, in various forms, until the 1950s. In 1911, the Federal Capital Territory was proclaimed, although NSW legislation concerning school education continued to have effect. From the 1950s, the shift towards assimilation policies saw Aboriginal children increasingly enrolled in government schools. During the 1960-70s, reformers in the ACT produced a string of reports pushing for independence from NSW in the provision and administration of education. In 1973, appointment of the ACT Schools Authority Council led to the creation of a new school system in the ACT, and in 1989, ACT gained self-government. There is little information available about the exclusion of Aboriginal children from schools in ACT.

Pre-1911

See [NSW timeline](#).

1911

Site for the federal capital determined, federal Capital Territory proclaimed (1 Jan, 1911). At that time, the ACT contained 14 one-teacher 'bush schools' and NSW legislation continued to apply.

### Case Study: 70 years of School Exclusion at Yass

**1883** 16 Aboriginal children from local camps enrolled at Yass Public School. A meeting of the non- Aboriginal parents objected to the attendance of Aboriginal children and threatened to withdraw all their own children if the Aboriginal children weren't excluded. All Aboriginal children were expelled. The Department's ruling on Aboriginal schooling at Yass in 1883, laid the basis of a policy broadly upheld for more than 50 years which favoured separate education if a sufficient number of Aboriginal children warranted establishing a school especially for them; or else they could attend a normal public school provided 'they are habitually clean, decently clad, and that they conduct themselves with propriety both in and out of school.' In practice, however, this meant that any parental complaints about newly enrolled Aboriginal children invariably resulted in their exclusion from a mainstream school.<sup>178</sup>

The children were accepted into St Augustine Catholic boys' school, in a separate accommodation and a special 'Yass Black's schoolroom' was built on the grounds.

**1916** After Muntoonan School on Edgerton Station closed in June and Edgerton Station itself closed in December, Aboriginal people there returned to camp near Yass. Some Aboriginal children attended the Catholic convent school and were separately taught in the 'Yass Black's schoolroom' founded in 1883.

**1929** At a Yass Public School P&C Meeting on 21st June, a letter objecting to Aboriginal pupils had been presented to the headmaster, Mr James Brigden. Speaking on the matter, one parent said that it was not 'the colour to which they objected, but the prevalence of disease at the blacks' camp', as reported by the government medical officer. Another parent pointed out that Aboriginal pupils in the local Catholic school had always had a separate schoolroom. The meeting had decided to protest to the Education Department and urge that a provisional school be opened at the camp.<sup>179</sup>

The Education Department arranged through local missionary Miss Price that the Aborigines Inland Mission building could be used on weekdays as a separate Aboriginal schoolroom.

**1934** After a settler parent complained of her proficiency, Miss Osborne, teacher at the Aboriginal School, resigned and the children were moved to the New Yass Aboriginal Reserve ('Hollywood Reserve') which included a school.

**1951-55** Yass Aboriginal School on Hollywood reserve closed in June 1951, followed by the reserve itself in 1955. As government policies shifted towards assimilation, Aboriginal children began to enrol in mainstream schools ending the 70-odd years of school exclusion in the Yass area.

1973

Appointment of the ACT Schools Authority Council members on 8 October 1973 led to the creation of a new school system in the ACT, independent of the NSW Education Department.

1989

ACT self-government commenced.

2004

The *Education Act 2004* (current) was passed which established the compulsory schooling age from six years to either seventeen years or when the student completes year 12. The Act also established powers to suspend, expel, exclude and transfer students from schools (government schools, Catholic schools and independent schools are covered by the legislation).

2017

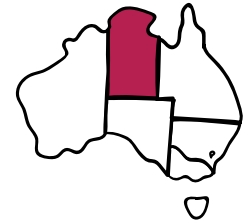
In 2017, the ACT attendance rate for Aboriginal and Torres Strait Islander students in Years 1 to 10 was slightly higher (85.4%) than the national rate (83.2%).<sup>180</sup>

2023

The *Interim: Suspension, Transfer or Exclusion of a Student in ACT Public Schools Policy* (current) is established. The policy outlines the ACT Education Directorate's responsibilities to support the application of a suspension, transfer or exclusion in ACT public schools consistent with the *Education Act 2004*.<sup>181</sup>

See also *Interim: Suspension, Transfer or Exclusion of a Student in ACT Public Schools Procedures 2023* (current) which notes that, in accordance with the *Human Rights Act 2004*, students have the right to an appeal.

# NORTHERN TERRITORY



The development of a government school system in the Northern Territory was comparatively slow and sparse: there were only three government schools in 1911 when the Commonwealth Government assumed responsibility for the NT after it separated from SA. For the first half of the twentieth century, most children were forcibly removed to schools for Aboriginal children that were part of missions or other institutions. These schools received some government funding, but delivered their own curriculum, had their own rules and regulations and were not subject to inspection or standards. Aboriginal people and children were also often excluded from town centres, preventing any access to schools there. There has been some scholarship focused on mission schools in the first half of the twentieth century. While there are many available records about Aboriginal schools established under the Commonwealth Office of Education from 1949, little has been written about how these schools operated within the 'mainstream' system of schooling that Aboriginal children also attended.

From the 1950s, in concert with the growing national focus on 'assimilation' through schooling, the Welfare Branch took control of Aboriginal education. This included opening new government schools in Aboriginal communities and across the NT, on pastoral stations, and sending children to boarding schools in southern states (especially for secondary school). It was not until the 1960s that post-primary education was available for more than a handful of Aboriginal children in the NT. While greater numbers of Aboriginal children were 'included' in primary schooling at this time, the schooling system actively worked to undermine Aboriginal cultures, languages and families. The end of the assimilation era and the rise of 'self-determination' in the Whitlam era officially 'mainstreamed' Aboriginal education in towns like Alice Springs, Katherine and Darwin, but Aboriginal families often felt that the system ignored their children's needs and subjected them to racism.

The government schooling system for Aboriginal children in the NT has been better documented than other states and territories, largely because of the world-leading bilingual education programs which were funded by the Commonwealth that ran from 1973, propelled by Aboriginal initiative. From the 1970s onwards, Aboriginal language and family groups across scores of communities asserted their right to control or contribute to the formal schooling process of their children, and the NT briefly adopted a formal policy of 'Aboriginalisation' of schools. However, this work was undermined by the NT government after self-government in 1979, with numerous funding cuts and policy shifts, which is well-documented in scholarship. A move to 'mainstream' education from the 1990s onwards saw children from remote communities sent to boarding schools for post-primary education, or altogether excluded, while concerns have grown about harsh criminal justice and child removal policies targeting children amidst widespread media reporting about youth crime.

1877

The first school in the Northern Territory opens in Palmerston (Darwin).

Pre-1911

See [SA Timeline](#).

1911

The Commonwealth government acquired responsibility for the Northern Territory after it separated from South Australia. They established an Education Department, renamed the Education Branch 1928.<sup>182</sup> Two more government schools opened at Pine Creek (near Katherine) and Brock's Creek (Daly River area, near Darwin).

1913

The Kahlin Compound was established as a segregated reserve in Darwin, targeting Aboriginal people referred to as 'half-caste.' A one-teacher school opened the same year.<sup>183</sup>

1914

The Bungalow was established in an iron shed in Alice Springs by the local 'Protector.' Ida Standley, a white woman, taught Aboriginal and white children separately.<sup>184</sup>

1917

The *Education Ordinance 1917* was passed making school compulsory for all children between the ages of six and nine who lived within two miles of a school (public or 'certified efficient'); for children between the ages of nine and 14 years old, school was compulsory when they lived no more than three miles from school. This had the effect of evading provision for Indigenous students.

1918

The *Aboriginals Ordinance 1918* was passed by the Commonwealth. Section 11 (2) prohibited Aboriginal people without exemption from entering 'any prohibited area', which included, for example, the township of Alice Springs.

1920

The Northern Territory Administrator noted that there were 229 Aboriginal children attending school in the NT.

1921

Six government primary schools were in operation in the Northern Territory at Darwin, Parap, Pine Creek, Alice Springs, Emungalan (Katherine) and Kahlin Compound. The first government high school was opened in Darwin in 1921, with an enrolment of 25 students.

1925

The Darwin High School closed due to low student numbers. A scholarship system was established, with most high school students traveling to Queensland.

1936

A ruling that Aboriginal children categorised as 'half-caste' should learn the mainstream curriculum. Children were sent to institutions interstate in order to access secondary schooling.<sup>185</sup>

1939

John McEwan, the Commonwealth Minister for the Interior, announced the 'New Deal,' a suite of revised policies directed at Aboriginal people in the NT centered around citizenship and framed around rights and responsibilities. It made no mention of education, and made no impact on the schooling available to most Aboriginal children. Instead, schooling for Aboriginal children continued to be limited to those living in government institutions, children allowed to attend white schools, and children living on mission stations.<sup>186</sup>

1945

The SA government, in agreement with the Commonwealth, took on responsibility for the staffing of NT government schools.<sup>187</sup> A government primary school opened at Katherine.<sup>188</sup>

### 1947 Case study: Aboriginal people in Darwin strike

Aboriginal people in Darwin demanded improvements to their employment and living conditions, and a school for the Berrimah Reserve. The government refused to act. In 1948, some families at Berrimah enrolled their children at the Darwin Primary School. In 1949, the children were barred by the Northern Territory Administrator, who claimed to have acted in response to 'community unrest.' The powerful North Australian Workers Union issued a statement condemning the exclusion of the children from the Darwin Primary School, and public debate ensued.<sup>189</sup> In April 1949, the new school at Bagot Reserve was opened and children from Berrimah Reserve were enrolled there.<sup>190</sup>

1948

The Commonwealth Office of Education took responsibility for providing schooling for Aboriginal children in the NT, and gradually took control of teachers, curriculum and inspection previously provided by the SA Education Department, which had given little attention to mission, pastoral and other schools with Aboriginal children.<sup>191</sup>

Commonwealth Office of Education teachers began working at Delissaville (Belyuen), Alice Springs and Yuendumu in July, in the first government-run Aboriginal schools in the NT. More schools opened through the 1950s.<sup>192</sup>

1951

In February, police charge residents of the Gap housing development in Alice Springs without exemptions certificates for contravening section 11(2) of the Ordinance, being 'within any prohibited area.' **The Gap community responded by threatening to withdraw their children from school. The press paid attention, interviewing some of the families and speaking to the schoolteachers, who said that the children had been stopped by police on their way to sports. The strike was reported widely and successful.** Administrators issued a blanket permit for Aboriginal people to be in prohibited areas of town.<sup>193</sup>

1953

The *NT Welfare Ordinance* was approved. It remained the main legislation targeting Aboriginal people for the next decade. The Welfare Branch was made responsible for providing child and community welfare, including pre-schools. The new Director of Welfare, Harry Giese, was made the guardian of all state wards which included all Aboriginal people. Giese and Paul Hasluck, federal Minister for Territories, agreed on an aggressive approach to assimilation and sought to extend their control over all Aboriginal people in the NT, with schooling central to this approach. By the end of 1953, about half of all Aboriginal children living in the NT were enrolled in schooling.

An Inter-Departmental Committee recommended that small schools with qualified teachers be established on some of the larger pastoral stations. When some pastoralists resisted, the Administration assured them the schools would operate around the needs of the stations. The scheme was underfunded and folded, but not before many schools were operational on pastoral stations, meaning the number of attending school rose from 900 in 1951 to 2300 in 1956.<sup>194</sup>



1958

The Commonwealth government began funding the 'Part-Aboriginal Education and Training Scheme' to send children from the Northern Territory to southern states for education and training. This involved numerous children traveling – sometimes on their own and with their families consent, at other times without – to live in corporate schools, private homes, and other institutions in Victoria, South Australia and NSW.<sup>195</sup>

1960

Hasluck appointed a Committee to Enquire into the Educational Needs of the People of the Northern Territory. As a result, the NT Administration severed ties with the SA Education Department and established an Education Board bringing together Welfare, Education and Special Schools.<sup>196</sup>

1967

Kormilda College was opened in Darwin by the Commonwealth government, designed to provide post-primary accommodation for Aboriginal children from remote communities.<sup>197</sup>

1972

The newly-elected Whitlam government launched a pilot project in bilingual education to give 'Aboriginal children living in distinctive Aboriginal communities ... their primary education in Aboriginal languages.'<sup>198</sup>

1973

Yirara College was established by government in Alice Springs as an Aboriginal secondary college.<sup>199</sup>

Some missionary schools become government controlled.<sup>200</sup> Aboriginal school councils were formed in numerous locations to exert more control over schooling.

#### 1976–1983 case study – Yipirinya School

In 1976, Tangentyere Council, an organisation of multiple language groups living in the Alice Springs town camps convened a meeting of Arrernte, Western Arrernte and Luritja town camp leaders to establish the Yipirinya School as an Aboriginal-controlled school. The school submitted their first application to the Northern Territory Education Department for registration in 1981, after 36 points of clarification, the NTED rejected the proposal in 1982. When the Hawke government was elected, the Minister for Aboriginal Affairs, Clyde Holding, provided funding for Yipirinya's court case against NTED, forcing the Northern Territory government into negotiations with Yipirinya and the National Aboriginal Education Committee (NAEC). Finally, registration for the Yipirinya School was approved in 1983.<sup>201</sup>

1978

The Northern Territory began a process of 'self-management'. This transferred responsibility for education back to the NT government, in the context of a conservative Country Liberal Party administration.<sup>202</sup>

1979

**Christine Nicholls, a former Principal of Lajamanu school (which ran a bilingual Warlpiri and English curriculum), alleged that the NT Government began to undermine the bilingual program as soon as self-management is in place.**<sup>203</sup>

1998

Between 1998–99, the NT Government attempted to fully defund the Bilingual program and replace it with English Second Language (ESL) instruction. **A campaign for bilingual education, 'Don't cut off our tongues', ensued.** Between 1998 and 2000, the number of schools with a bilingual program goes from sixteen to twelve.<sup>204</sup>

1999

The NT Government commissioned a review of Aboriginal education, by former federal Senator Bob Collins and anthropologist Tess Lea, in response to the outcry. The review made 151 recommendations. It focused on 'poor attendance', 'lack of data' and said Indigenous students have weaker literacy skills than their parents. The review offered qualified support for bilingual schools, arguing to relabel them 'two-way learning.' It noted that secondary school was still unavailable to most Aboriginal students, and that hearing loss and overcrowding contributed to student 'behaviour problems.' It noted the lack of special services for students with hearing impairments and other disabilities in the NT.<sup>205</sup>

2007

The Australian federal government launched the Northern Territory Emergency Response (NTER).<sup>206</sup>

2008

NT Minister for Education and Training Marion Scrymgour announced that schooling in the NT must be conducted in English for the first four hours of everyday, known as the 'First Four Hours' policy.<sup>207</sup>

2011

The DET funded the School Wide Positive Behaviour Support Program across the NT until 2014, when most positions were discontinued.<sup>208</sup>

2015

*A Share in the Future: The Review of Indigenous Education in the Northern Territory* was released. The review focuses on 'raising the level of achievement of Indigenous students', 'so they can more effectively participate in society and the economy'. It says many Aboriginal and Torres Strait Islander young people are 'illiterate and disengaged' and repeated the concerns of the 1999 Collins Review that education standards were deteriorating. Reflecting the larger public debate at the time, it focused on low NAPLAN scores, especially for very remote students and those with English as a Second Language. It had a particular concern that programs be standardised across the NT, with the ability to measure outcomes.

The *Education Act 2015* (current) was passed which established the compulsory schooling age at six years. Section 91 of the Act provides principals with the authority to suspend students from school by written notice, section 92 provides the CEO of the Department of Education with authority to exclude students from school by written notice, and section 93 provides authority for the Minister for Education to expel a student from a school.

2016

The *NT News* reported that 5 per cent of students in the NT were suspended that year.<sup>209</sup>

The *Expulsion Guidelines* (current) were published which detail procedures for expelling students from government schools.

2017

The NT Children's Commissioner raised concerns that children as young as five were being suspended and called for research into the connection between expulsion and criminal justice involvement.<sup>210</sup>

2021

The *Suspension: Interim Guidelines* (current) were published which detail procedures for suspending students from government schools. Under this policy, students can be suspended for up to one month and are required to do schoolwork while suspended. Parents or guardians must be given the opportunity to speak to the school and schools must formally notify the student and parents.<sup>211</sup>

# COMMONWEALTH



This section has been developed with reference to multiple government inquiries and reports, some produced by Aboriginal and Torres Strait Islander educational bodies, as well as research by scholars such as Melitta Hogarth, Quentin Beresford, Leanne Holt and others, whose work has summarised a complex array of policies and programs aimed at developing a national approach to Aboriginal and Torres Strait Islander education.

The Commonwealth's role in Aboriginal and Torres Strait Islander education policy after federation was formally limited—state and territory governments being given the primary responsibility for education and training.<sup>212</sup> Nevertheless, the Commonwealth has always had a role in formulating national education policy and providing some special purpose funding for educational programs, particularly those targeted at Aboriginal and Torres Strait Islander students. However, the national political debate occurring at the Commonwealth level has had a great impact on Aboriginal and Torres Strait Islander education. The moments of great shift and change in Aboriginal and Torres Strait Islander policy in the twentieth and twenty-first centuries have reverberated through the states and territories, and have often been shaped and contested there: from protection, to assimilation, to self-determination and self-management, to reconciliation, to normalisation and mainstreaming, to a new era of Closing the Gap and truth-telling.<sup>213</sup> Developments such as the Mabo and Wik decisions, the Royal Commission into Aboriginal Deaths in Custody (RCIADIC) and the *Bringing them Home* report all prompted national discussion on the role of schools. Aboriginal and Torres Strait Islander advocates and allies have often played a role on the national stage to pursue policy development and curriculum change, and have been able to connect educational outcomes to wider questions of Indigenous justice. In recent decades, however, the myopic national focus on Aboriginal and Torres Strait Islander school attendance, and the focus on disadvantage have dominated the policy-making space in Indigenous education.<sup>214</sup> There has rarely been a focus on direct exclusion of Aboriginal and Torres Strait Islander students, in fact, notably, our research suggests that discipline policies, suspensions and expulsions are rarely mentioned in national policy documents and inquiries.

1901

At federation, control over education remained with the states. This meant the Commonwealth involvement in education was limited to defence, the health of children, and education in the territories, up to 1939.

1937

The first National Conference on Aboriginal Welfare was held in Canberra. The conference agreed that:

**... the destiny of the natives of aboriginal origin, but not of the full blood, lies in their ultimate absorption by the people of the Commonwealth, and it therefore recommends that all efforts be directed to that end.<sup>215</sup>**

1945

The Commonwealth Office of Education was established under the *Education Act 1945* as part of the Department of Postwar Reconstruction. It was primarily charged with migrant and adult education, scholarships, and state liaison.

1946

The *Education Act 1945* (Commonwealth) and the outcomes of the 1946 referendum that gave the Commonwealth powers to provide 'benefits to students', meant the Commonwealth could play a greater role in education.

1950

The Commonwealth becomes increasingly involved in the financing of education at all levels and in all sectors. This included capital grants for school science laboratories and libraries in 1964 and 1968 respectively.

The Australian Prime Minister and other key officials acknowledged that bilingual education would be 'desirable' for remote Aboriginal students in some circumstances.<sup>216</sup>

1951

The Commonwealth and States Conference on Native Welfare agreed that education should be available to all Aboriginal children, while at the same time allowing for segregation:

**To the extent to which the place of living and general standard of aboriginal [sic] children will permit, they should be taken into, and receive their education in, the same institutions as are provided for white children. Prejudices and social conditions which operated against the policy should be actively combated.<sup>217</sup>**

1955

Paul Hasluck, Minister for Territories, made a statement to Prime Minister Robert Menzies that: 'Aboriginal education is largely directed towards developing attitudes and personal habits, as well as knowledge, that will make the aborigines socially acceptable to Europeans.'<sup>218</sup>

1969

The Aboriginal Study Grants Scheme was established (later ABSTUDY).

1972

Creation of the Commonwealth Department of Aboriginal Affairs.<sup>219</sup>

Australian Schools Commission and Aboriginal Consultative Group were established as a specialist advisory body, focused on the 'development of aspirations for education to complement moves towards self-determination for Aboriginals.'<sup>220</sup> The Schools Commission reported to government two years later in consultation with the Aboriginal Consultative Group.<sup>221</sup>

1973

Abstudy was included in the Commonwealth *Student and Youth Assistance Act 1973*.

Federal and NT authorities cooperated on the provision of education for Aboriginal and Torres Strait Islander children.

1975

Schools Commission report (*Education for Aborigines: Report to the Schools Commission by the Aboriginal Consultative Group*) gave several recommendations to address the disparity of Aboriginal and Torres Strait Islander students' educational attainment. The report identified four areas that informed the recommendations. They were Administrators and Decision Makers; Professionals; Children; and the Excluded. See 'One step forward' paper for detailed analysis of the 1975 report.<sup>222</sup>

1978

The National Aboriginal Education Committee (NAEC) was established, the first national organisation bringing Aboriginal and Torres Strait Islander educators together to have a voice in Aboriginal and Torres Strait Islander education policy. They advocated for Indigenous knowledges in curriculum and a rapid expansion in the number of Aboriginal and Torres Strait Islander teachers to increase the engagement of Aboriginal and Torres Strait Islander students, aiming to arrest the damage done by 'exclusion on demand' of Aboriginal and Torres Strait Islander students by non- Indigenous parents and teachers.<sup>223</sup>

1984

A Parliamentary report on nine independent Aboriginal and Torres Strait Islander schools notes financial difficulties, and the need for greater training opportunities for Aboriginal and Torres Strait Islander teachers, but argues 'the benefits permeate the whole Aboriginal community which gains self-respect, a sense of identity and stronger sense of community spirit as many of its members participate in school life.'<sup>224</sup>

1987

The Royal Commission into Aboriginal deaths in custody was established in October 1987.

1988

The Aboriginal Education Policy Taskforce recommended a coordinated national approach to Aboriginal education in the Hughes report, amongst 59 recommendations. Notably the report framed Indigenous inclusion in education as an issue of access, rather than attendance, noting the standard of access is 'totally unacceptable' and that 'Aboriginal students frequently face discrimination and alienation within schools.'<sup>225</sup>

1989

The *Australian Institute of Aboriginal and Torres Strait Islander Studies Act* was passed, establishing AIATSIS.

1990

The *National Aboriginal and Torres Strait Islander Education Policy* (NATSIEP) was introduced on the back of the Hughes report. NATSIEP aimed to achieve equity between Indigenous and non- Indigenous students by 2000, primarily by supporting and encouraging Aboriginal and Torres Strait Islander community involvement in education, integrating Indigenous knowledge into curriculum, supporting more Aboriginal and Torres Strait Islander teachers, and expanding access to students excluded by lack of provision. The recommendations were based on the 'principle of self- determination' and recognition of histories of exclusion.<sup>226</sup>

1991

The final report of the *Royal Commission into Aboriginal deaths in custody* was delivered, making 339 recommendations based on an investigation of 99 deaths. It noted that a sizeable minority of those killed in custody had not completed primary school, and just over half had some high school education. Three quarters of cases were under 20 years of age at their first criminal charge, and one was nine years old. Forty-three had been separated from their parents as children. The most frequent offence was drunkenness. Report 2, which explores schooling specifically, noted a range of intersecting inadequacies of the schooling system including unfair punishments and racism, and called for self-determination and community control in education.<sup>227</sup>

1993

The National Aboriginal Education Committee was abolished, on the basis that departments felt they had enough internal Indigenous advisors.<sup>228</sup>

1994

A major policy review of NATSIEP was chaired by M Yunupingu. The terms of reference reflected the concerns about lack of access and provision, while also emphasising equity in outcomes and responsibility in spending.

1995

Need for a whole-of-government approach to Indigenous education was taken up by Task Force on Aboriginal Education established by MYCEETYA (1995). It was only then that a national approach to NATSIEP was established.<sup>229</sup>

The NATSIEP review received a number of submissions criticising a lack of support for community-controlled education, noting this was an era that the Commonwealth had failed to move on the education-related recommendations from the RCIADIC. The review's report again reiterated the importance of self-determination, and greater local control over funding and decision-making.<sup>230</sup>

1996

End of policy era of self-determination with the election of the Howard government. Howard cut \$470 million from the budget of ATSIC, and began an era focused on getting 'back to basics', with a specific focus on English literacy and numeracy and on remedying school attendance through measures which punish parents and/or children.<sup>231</sup>

1997

The *Bringing them Home* report was released. This significant acknowledgement of the removal of Indigenous children from their families—often based on the premise that they would receive an education—was a pivotal moment for members of the Stolen Generations and for the national discussion on Aboriginal and Torres Strait Islander rights. It assisted in greater recognition of the connections between child removal and educational institutions.<sup>232</sup>

1999

The Senate released 'Katu Kalpa,' a wide ranging report on Indigenous education and training. It found a 'mixed record' with some Commonwealth government initiatives funding success and some progress in Indigenous curriculum development, but continuing lack of enthusiasm for self-determination. It flagged a national school attendance strategy for absenteeism.<sup>233</sup>

Adelaide Declaration on National Goals for Schooling in the Twenty-first Century declared that schooling should be 'socially just', and that Aboriginal and Torres Strait Islander students should have equitable access to education, and all students should learn about Indigenous cultures and value reconciliation.<sup>234</sup>

2000

Report of the Ministerial Council on Education, Employment, Training and Youth Affairs (MCEETYA) Taskforce on Indigenous education. The taskforce highlighted that the broader disadvantages faced by Aboriginal people affecting the ability of policy makers, service providers and Aboriginal people themselves to improve educational outcomes.<sup>235</sup>

2005

ATSIC was abolished by the Howard government. Though ATSIC did not directly fund education programs, it had provided advice on education policy after the abolition of the NAEC.<sup>236</sup>

2008

NAPLAN commenced in Australian schools, assessing students in Years 3, 5, 7, and 9 on Reading, Writing, Language Conventions and Numeracy. The results of NAPLAN tests become a key battleground in discussions over Aboriginal and Torres Strait Islander educational achievements.<sup>237</sup>

Following his apology to the Stolen Generations, Prime Minister Kevin Rudd announced his support for Closing the Gap, which included targets for Aboriginal and Torres Strait Islander and equity with other Australians on early childhood attendance, school achievement and attainment.<sup>238</sup>

2009

The Commonwealth government trials SEAM, which cuts parents' welfare payments if students are not enrolled in school or if Centrelink judges parents are not making efforts to send children to school. The policy was trialled in six Indigenous communities in the NT and Queensland.<sup>239</sup>

2010–2014

The Aboriginal and Torres Strait Islander Education Action Plan was launched which focused attention on school attendance and post-school transitions. The Plan made no mention of school exclusion.

The inaugural Australian Curriculum was delivered in 2010 which included the Aboriginal and Torres Strait Islander histories and cultures cross-curriculum priority (CCP) which embedded 'Indigenous content' across all subject areas.

2013

*Student Attendance and Educational Outcomes: Every Day Counts* report published. Reports findings of a detailed study of the relationship between attendance at school and student outcomes.

COAG agreed to increase level of transparency around school attendance, to publish data twice per year by schools for all students, split by Indigeneity.<sup>240</sup>

The election of Prime Minister Tony Abbott saw the Department of Indigenous Affairs integrated into the Department of Prime Minister and Cabinet. All Aboriginal and Torres Strait Islander programs and Commonwealth funded services for Aboriginal and Torres Strait Islander people became part of the Department of Prime Minister and Cabinet 'to overhaul the system, to make it simpler and less burdensome, and to ensure that the right resources supported by the right capabilities go those who need them most.'<sup>241</sup>

2015

The National Aboriginal and Torres Strait Islander Education Strategy 2015 focused on school readiness, attendance, literacy and numeracy, and transition points.

A new Closing the Gap target aims to close the gap in school attendance by 2018.<sup>242</sup>

2017

A report commissioned by the Department of Prime Minister and Cabinet into the issues faced by Aboriginal and Torres Strait Islander secondary students who study away from home, found that funding of boarding school students through ABSTUDY includes provisions for travel only when students are expelled from their boarding school. Travel funding was only available when students were expelled, but not if they were suspended.<sup>243</sup>

2020

A 'refreshed' Closing the Gap agreement, made between government and Indigenous peak bodies, included numerous targets focused on Aboriginal and Torres Strait Islander education, including on early childhood attendance, Year 12 attainment, and NAPLAN results. Outcome 11, which aims for Aboriginal and Torres Strait Islander people not to be over-represented in the criminal justice system, includes the commitment to collect and measure data on the number of Indigenous students being expelled, and statistics on youth detention.<sup>244</sup>

2023

The Safe and Supported: Aboriginal and Torres Strait Islander First Action Plan 2023–2026 (current) is launched which emphasises safety and wellbeing, however in relation to education still focuses on achieving parity with non-Indigenous people.

# ALTERNATIVES TO EXCLUSION

Since exclusion has proven ineffective in addressing the underlying causes of student 'misbehaviour', advocacy groups and schools systems around the world are increasingly pushing for alternatives to school exclusion. For example, in 2011 the Obama Administration launched the *Supportive School Discipline Initiative*, an interagency collaboration between the U.S. Department of Education and the Department of Justice, that aimed to decrease the use of exclusionary discipline practices. Several jurisdictions have also adopted restorative justice practices to reduce the use of exclusionary discipline practices.<sup>245</sup>

Below is a selection of alternatives that highlight the diverse ways that communities and systems are resisting exclusion and using alternative approaches that both respect every person's right to an education and seek to better address the underlying causes of student misbehaviour.



**63%**

**of people in UK prisons  
had been temporarily  
excluded while at school**

## NO MORE EXCLUSIONS

No More Exclusions (NME) is a Black-led anti-racist organisation campaigning against school exclusion in the United Kingdom (UK). In May 2023, they released a report with a series of other organisations detailing how community-led solutions to serious youth violence can be addressed, without the involvement of police and without the exclusion or suspension of children and youth from schools.<sup>246</sup> It advocates for an education system 'rooted in care, not punishment'.<sup>247</sup>

NME are concerned about the emergence of a 'school-to-prison' pipeline in the UK, for instance, with 'secure schools' to 'rehabilitate' youth offenders being set up and run by charities. A 2022 report found that 63% of people in UK prisons had been temporarily excluded while at school and 42% had been permanently excluded.<sup>248</sup> The racial dynamics are clear: they note that Black Caribbean boys eligible for free school meals, and requiring disability accommodations, are 168 times more likely to be excluded than white British girls. With alarm, they note the increasing practice of using 'isolation booths' to put children in prison-like situations as a routine discipline procedure. This has gone alongside the increases in expulsion rates. The most common reason for exclusion was 'persistent disruptive behaviour'. Another report showed over 650 police working in British schools; others show they are more likely to be placed in poorer communities.<sup>249</sup> The presence of police turns minor behaviour issues into issues of criminal justice. Discipline resembles law and order, such as one case of a teenage girl who was strip-searched by police.



The report takes care to note the intersection between issues of class, poverty, disability, and geography that reproduce systemic racism and exclusion. For example, the report notes that disproportionate policing of poor black and brown communities leads to much greater punishments for minor crimes such as drug possession. It notes that populist campaigning against youth violence ignores structural violence, such as 'lack of funding, Islamophobic safeguarding policies like Prevent, a racist educational curriculum, and the violence of language', as well as the violence of school exclusion.

**NME advocate for a series of alternatives to exclusion:**

- the removal of police in schools.
- a moratorium on school exclusions.
- the abolition of alternative forms of schooling that segregate students, such as 'secure schools' as well as special schools.
- the abolition of police powers like stop and search, which disproportionality criminalise youth black and brown youth
- the abolition of non-consensual treatment for mental health conditions.

NME also emphasise restorative relationships. This includes encouraging relationships with adults in schools and care settings, based on trust. Building secure relationships with teachers requires anti-racist and trauma-informed pedagogies and student support. In turn, teachers need smaller class sizes to be able to provide this for students. NME create art therapy programs, storytelling programs and anti-racist pedagogy resources for schools. They emphasise the importance of school recognising the trauma of racism. Students reported the need for more counselling services and youth workers, and the need for these staff to be committed to anti-racism. NME have applied pressure to the trade unions, securing motions with large majority support against school exclusion and police in schools.

## RESTORATIVE PRACTICES

Several school jurisdictions in the US have been implementing restorative justice practices as an alternative to school exclusion. Restorative practices emphasise repairing the harm done to relationships and people over and above the need for punishment and often incorporate elements of narrative therapy. Restorative practices include peace circles, restorative conversations, community building circles, family group conferences, school-wide community events and talking circles. For example, Colorado State University delivers Peacemaking Circle training to years three and four students. The program:

**... focuses on healing the harm to relationships that results from wrongdoing and conflict and holding respectful conversations that separate the person from the problem. Students become empowered to solve problems nonviolently rather than relying on people in authority imposing rules and punishment to control behaviour and deter wrongdoing.<sup>250</sup>**

In Australia, following the recommendations of the Royal Commission into Aboriginal Deaths in Custody, restorative practices (usually referred to as restorative justice within the criminal justice context) have been increasingly adopted and made available for Aboriginal and Torres Strait Islander offenders. Restorative justice programs generally involve a meeting of victims, offenders and communities to discuss an offence in order to repair harm, restore relationships and strengthen social bonds within a community.<sup>251</sup> For example, Circle Sentencing is a program available to Aboriginal offenders in NSW that involve the presiding magistrate working with Aboriginal elders, victims, respected members of the community and the offender's family to determine the appropriate sentence. Similarly, Koori Courts in Victoria are available to Aboriginal offenders who have pleaded guilty and involve the magistrate, Elders and Respected Persons, a Koori court officer, the prosecutor, community correction officer, and the offender's lawyer and family having a conversation to help the magistrate determine a sentence that is both culturally appropriate and that helps reduce the likelihood of reoffending.

Also drawing on restorative justice practices, justice reinvestment emerged more than 20 years ago in the United States and has been adopted in Bourke NSW to address the overincarceration of Aboriginal and Torres Strait Islander peoples. Through justice reinvestment, communities along with supporting agencies identify and co-develop initiatives to address issues that lead to high rates of incarceration, by reinvesting funds from prison budgets into social support services.<sup>252</sup> Improving educational opportunities is often a focus of justice reinvestment initiative, however schools must also consider how they can reinvest school resources into supporting students and their families to address the underlying causes of 'misbehaviour' instead of punishing students and contributing to the school-to-prison pipeline.

# CONCLUSION AND RECOMMENDATIONS

The aim of this report was to historicise school exclusion in Australia by tracing school exclusion across the continent from the nineteenth century to the present. Through analyses of archival records, historiography, legislation, and policies, this report has revealed systemic exclusion of Aboriginal and Torres Strait Islander people from schools across Australia. While this research uncovered multiple forms and instances of exclusion, this report concentrated on two systemic forms of exclusion. First, the repeated failure of settler governments to provide schooling and ensure access to education for Aboriginal and Torres Strait Islander students. Second, the disproportionate use of disciplinary measures, including exclusion, within school systems targeted at Aboriginal and Torres Strait Islander students. This report found instances of systemic exclusion across all Australian states and territories. It found changing methods and modes of exclusion over the period surveyed, but the systemic continuity of exclusion over time.

These histories, of how Aboriginal and Torres Strait Islander students have been excluded from schools throughout Australian history, have been largely excluded from government records, historiography, and from public narratives about schooling. This report has illustrated that there remains today, a lack of transparent, accurate, and accessible records of school exclusion.

This research report provides foundational context for analyses of contemporary issues around school exclusion. School exclusion is not an anomaly within an otherwise inclusive system. This report provides evidence of how ongoing structural inequities in education derive from systemic failures to acknowledge and provide the right to education of Aboriginal and Torres Strait Islander students.

The findings of this report highlight the need for change to ensure that the right to education is respected, protected, and realised for *every* young person in Australia. There is a long-standing and urgent need to fundamentally rethink and reconstruct our approach to education to create a future system that does not exclude students from education. This calls for a comprehensive, evidence-based strategy aimed at abolishing school exclusion, where stakeholders fully consider the historical foundations of systemic exclusion, as well as its continuing effects. Acknowledging the true history of school exclusion is a foundational step towards reckoning with historical wrongs as the basis for shaping transformative policies, inclusive practices, and systemic change towards an inclusive and equitable system for all.

A key challenge in the present is ensuring that governments make data on all forms of school exclusion publicly available, and that data is disaggregated by age, gender, disability status, Aboriginal and Torres Strait Islander status, CALD status, health status, and incorporates data from the religious and independent school sectors. Another challenge is to create meaningful opportunities for key stakeholders to hear directly from Aboriginal and Torres Strait Islander young people and other minoritised young people about their experiences of school exclusion. Much of the research and accounting of school exclusion is produced by adults, rather than those most affected by school exclusions.

We conclude by returning to Elizabeth Ann McKinley and Linda Tuhiwai Smith's reminder, quoted at the beginning of this report. The education system was not constructed for Aboriginal and Torres Strait Islander students. It was built on a fundamentally different view of the purposes, philosophies, and practices of education. While we should endeavour to abolish school exclusion, we must also work towards establishing a First Nations' education system that reflects Indigenous views and philosophies of education

## **KEY RECOMMENDATIONS**

**1**

Data on all forms of school exclusion be made publicly available and disaggregated by age, gender, disability status, Aboriginal and Torres Strait Islander status, CALD, health status. Data from religious and independent school sectors be included.

**2**

Histories of school exclusion be systematically documented and information be made publicly available to inform a public reckoning with the past and present of school exclusion in Australia.

**3**

Student voice and agency be made central in education reform and efforts to address the issue of school exclusion pursuant to their right to participate in decision-making that will affect their lives.

**4**

A truly inclusive and empowering education eco-system requires establishing a First Nations education system that reflects Indigenous views and philosophies on education, otherwise exclusion will continue to be perpetuated through the exclusion of Indigenous models of education.

# APPENDICES



## APPENDIX A

### What is school exclusion?

We use the term school exclusion to refer to government failure to ensure education access, including historical failures to provide access to schooling, as well as the contemporary use of disciplinary measures that remove a student from their normal learning environment. This latter method of exclusion ranges from formal measures, such as suspension and expulsion, through to internal and informal measures used to discipline or 'manage' students, but which nonetheless remove them from their usual learning environment. Across Australia there are different terms used for exclusionary practices with each state and territory having its own legislation and policies that outline exclusionary measures that can be used. In addition, some practices are informal and are therefore not explicitly covered in legislation and policy. The table below lists the types of school exclusion identified during the review.

Type of exclusion	Definition
<i>Formal exclusion</i>	
<b>Detention</b>	A student is required to remain at school in a student's 'non-class' time (e.g. during recess or after school).
<b>In-school suspension</b>	A student is temporarily removed from their regular classes, but remains at school to complete their work in a supervised setting.
<b>Out-of-school suspension</b>	A student is banned from coming to school for a fixed period of time.
<b>Expulsion</b>	A student is asked to leave school permanently. Expulsion usually occurs after a student has already been given warnings and suspensions.
<b>Prohibition</b>	A student's right to attend any public school is permanently withdrawn.
<b>Enrolment cancellation</b>	The enrolment of a student, generally above the compulsory school age (> 16 years), at a school is cancelled so that they can no longer attend that school.
<b>Charge suspension</b>	A student who is charged with committing an offence is suspended from school. The suspension may continue until the charge is dealt with or until the principal decides that the student can attend school.

*Informal exclusion*

**Refused enrolment**

A student is refused school enrolment.

---

**In-school isolation and seclusion**

A student is physically removed from the classroom and/or isolated from other students, such as through 'time-out' and isolation booths.

---

**Closing schools**

A school is closed and all students are forced to find another school.

---

**Lack of provision**

A student or student/s is/are excluded from school because no schooling is provided for them.

## APPENDIX B

Based on a review of publicly available data on school exclusions depicted in Figure 1 below, New South Wales is the only jurisdiction that provides data for short suspensions, long suspensions and expulsions, broken down by gender, Aboriginality, and for students identified as receiving adjustments due to a disability. In Victoria data is available on expulsions only, disaggregated by gender, Indigenous, disability, out-of-home care, and migrant, refugee or asylum seeker status; data is not available for suspensions and other forms of school exclusion. In Queensland, data is available for short suspensions, long suspensions and exclusions disaggregated by Indigenous status, but is it not disaggregated according to other metrics such as gender and disability status to shed light on the intersectional experiences of school exclusion. In other jurisdictions, the data is more scarce: in South Australia, data is available on suspensions, exclusions, and expulsions by year only; in Tasmania data is available on suspensions, broken down by year level and suspension reason only; the Australian Capital Territory provides suspension data only which is not disaggregated; similarly in the Northern Territory, data is available on suspensions only which is not disaggregated; in Western Australia, data is available on fixed-term suspensions and permanent exclusions but it is not disaggregated.

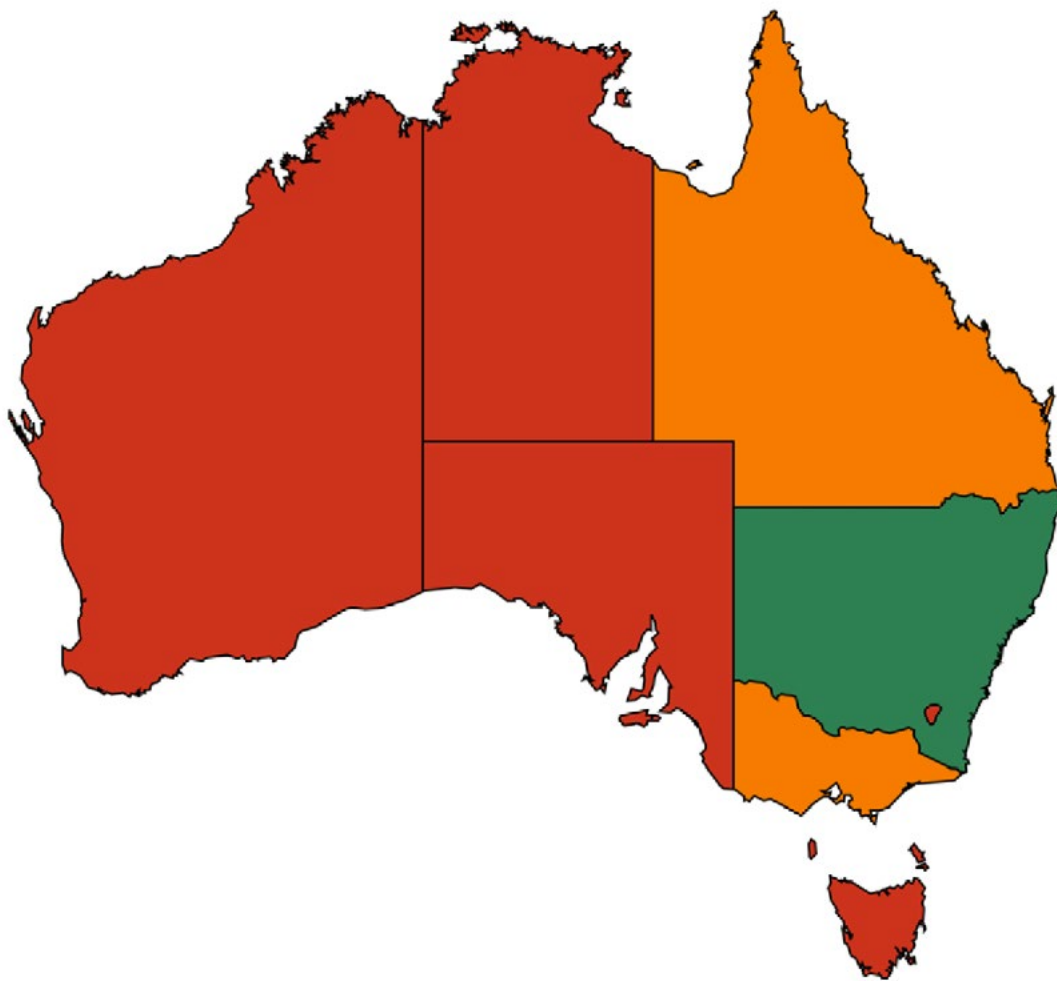


Figure 1: Availability of data on school exclusions across Australian Jurisdictions



# ENDNOTES

- 1 We also distinguish school exclusion from school refusal. School refusal is rising in Australia, as highlighted in a recent Senate committee report. This form of non-attendance is usually voluntary and often supported by parents. We also acknowledge that much of the international research on school exclusion pathologises non-attendance; discourse about non-attendance rarely includes the voices of children and young people. See: Senate Standing Committees on Education and Employment, "The national trend of school refusal and related matters", *Commonwealth of Australia*, Aug 2023; Frederikke S. Knage, "Beyond the school refusal/truancy binary: engaging with the complexities of extended school non-attendance" *International Studies in Sociology of Education*, (2021), DOI: [10.1080/09620214.2021.1966827](https://doi.org/10.1080/09620214.2021.1966827)
- 2 Marjorie Theobald, "The Afghan children of Oodnadatta" *Paedagogica Historica*, 37, no. 1 (2001): 217.
- 3 "Our Story", National Indigenous Youth Education Coalition [NIYEC], accessed November 01, 2023, <https://www.niyec.com/our-story>.
- 4 Elizabeth Ann McKinley and Linda Tuhiwai Smith, "Towards self-determination in Indigenous education research: An introduction." In *Handbook of Indigenous Education*, edited by Elizabeth Ann McKinley and Linda Tuhiwai Smith. (Springer, Singapore, 2019). [https://doi.org/10.1007/978-981-10-3899-0\\_77](https://doi.org/10.1007/978-981-10-3899-0_77)
- 5 Arathi Sriprakash, "Reparations: theorising just futures of education", *Discourse: Studies in the Cultural Politics of Education* 44, no. 5 (2022): 782–795.
- 6 *Ramsay v Larsen* (1964) 111 CLR 16.
- 7 Alan Corbett. "The Last Holdout Caves: The Slow Death of Corporal Punishment in our Schools", *New Matilda*, 28 June 2016. Accessed at: <https://newmatilda.com/2016/06/28/the-last-hold-out-caves-the-death-of-corporal-punishment-in-our-schools/>
- 8 Such measures are being used to exclude students from marginalised backgrounds, including Aboriginal and Torres Strait Islander students, students in out-of-home care, racialised students, LGBTIQSB+ students, and students with a disability, at disproportionate rates. Linda J. Graham et al., "Review of Suspensions and Expulsions Could Set Our Most Vulnerable Kids on a Path to School Drop-Out, Drug Use and Crime", *The Conversation*, September 14, 2021. <https://theconversation.com/suspensions-and-expulsions-could-set-our-most-vulnerable-kids-on-a-path-to-school-drop-out-drug-use-and-crime-166827>.
- 9 Standing Committee on Employment, Education and Training. *Review of Truancy and Exclusion from School: Report of the Inquiry into Truancy and Exclusion of Children and Young People from School / House of Representatives Standing Committee on Employment, Education and Training* (Canberra: Parliament of the Commonwealth of Australia, 1996), viii.
- 10 Department of Education New South Wales. 2021. *Student behaviour strategy*. Sydney; Department of Education New South Wales. Available at: <https://psa.asn.au/wp-content/uploads/2020/09/draft-student-behaviour-strategy-3.pdf>
- 11 Linda J. Graham et al., *Inquiry into Suspension, Exclusion and Expulsion Processes in South Australian government schools: Final Report* (QUT: Brisbane, The Centre for Inclusive Education, 2020).
- 12 American Psychological Association Zero Tolerance Task Force, "Are zero tolerance policies effective in the schools?: An evidentiary review and recommendations." *The American Psychologist* 63, no. 9 (2008): 852–862.
- 13 Tom Clark, Ravi de Costa, & Sarah Maddison, "Non-Indigenous people and the limits of settler colonial reconciliation" In *The limits of settler colonial reconciliation: Non Indigenous people and the responsibility to engage* S. Maddison, T. Clark, & R. de Costa eds., (Singapore: Springer, 2016): 1–12.
- 14 Kevin Lowe, Nikki Moodie, Sara Weuffen, "Refusing Reconciliation in Indigenous Curriculum" In *Curriculum Challenges and Opportunities in a Changing World: Curriculum Studies Worldwide*. Green, B., Roberts, P., Brennan, M. eds. (Palgrave Macmillan, Cham, 2021): 72; Rachel Patrick and Nikki Moodie, "Indigenous education policy discourses in Australia: rethinking the 'problem'" In *Global learning in the 21st century*, T. Barkatsos & A. Bertram eds., (Rotterdam: Sense Publishers, 2016): 165–184; Jacinta Maxwell, Kevin Lowe & Peta Salter, "The re-creation and resolution of the 'problem' of Indigenous education in the Aboriginal and Torres Strait Islander cross-curriculum priority", *The Australian Educational Researcher* 45, no. 2 (2018): 161–177.
- 15 John Guenther, Neil Harrison, & Cathie Burgess, 'Aboriginal voices: Systematic reviews of indigenous education' *Aust. Educ. Res* 46, (2019): 207–211, <https://doi.org/10.1007/s13384-019-00316-4>
- 16 Beth Marsden, *Histories of Aboriginal Education and Schooling in Victoria, 1904–1968*. PhD thesis, La Trobe University. 2022; Arathi Sriprakash, Sophie Rudolph and Jessica Gerrard. *Learning Whiteness: Education and the Settler Colonial State* (Pluto Press, 2022).

- 17 Sean Carleton, *Lessons in Legitimacy: Colonialism, Capitalism, and the Rise of State Schooling in British Columbia* (British Columbia: UBC Press, 2022).
- 18 Otso Kortekangas et al. eds, *Sámi educational history in a comparative international perspective*. (Singapore: Springer, 2019).
- 19 Jarvis R. Givens *Fugitive Pedagogy: Carter G. Woodson and the Art of Black Teaching* (Cambridge Massachusetts: Harvard University Press, 2021); James D. Anderson, *The Education of Blacks in the South, 1860– 1935* (Chapel Hill: University of North Carolina Press, 1988).
- 20 Angélique Stastny, *Ignored Histories: The Politics of History Education and Indigenous–Settler Relations in Australia and Kanaky/ New Caledonia*. (Honolulu: University of Hawai‘i Press, 2022); Russell Bishop, “Freeing ourselves from neo-colonial domination in research: A Kaupapa Māori approach to creating knowledge” in Russell Bishop ed. *Freeing Ourselves* (SensePublishers, 2005): [https://doi.org/10.1007/978-94-6091-415-7\\_1](https://doi.org/10.1007/978-94-6091-415-7_1)
- 21 Anna Sullivan, Neil Tippet, Bruce Johnson, and Jamie Manolev. 2020. *Schools Are Unfairly Targeting Vulnerable Children with Their Exclusionary Policies*. *EduResearch Matters*, November 2, 2020. <https://blog.aare.edu.au/schools-are-unfairly-targeting-vulnerable-children-with-their-exclusionary-policies/>.
- 22 Linda J. Graham et al., Overrepresentation of Indigenous students in school suspension, exclusion, and enrolment cancellation in Queensland: is there a case for systemic inclusive school reform? *The Australian Educational Researcher* 50, no. 2, (2003): 167–201.
- 23 There are numerous historical examples of this. See for example, “Aboriginal students on strike”, *Tribune*, 25 May 1988, 12, regarding a school strike at Cleveland Street High, NSW, in 1988, and “Boycott Threat at school”, *Canberra Times*, 15 March 1980, 1, about a planned boycott at Wilcannia in response to disciplinary policies.
- 24 No author. ‘Social Justice Commissioner says Indigenous students are facing increased racism after referendum result.’ National Indigenous Television (NITV). 25 October 2023. Accessed at: <https://www.sbs.com.au/nitv/article/social-justice-commissioner-says-indigenous-students-are-facing-increased-racism-after-referendum-result/usmowsgwl>
- 25 Linda J. Graham et al., *Inquiry into Suspension, Exclusion and Expulsion Processes in South Australian government schools: Final Report* (QUT: Brisbane, The Centre for Inclusive Education, 2020). <https://www.education.sa.gov.au/docs/support-and-inclusion/engagement-and-wellbeing/student-absences/report-of-an-independent-inquiry-into-suspensions-exclusions-and-expulsions-in-south-australian-government-schools.pdf>.
- 26 Anna Sullivan et al., *Schools Are Unfairly Targeting Vulnerable Children with Their Exclusionary Policies*, AARE EduResearch Matters [blog], November 2, 2020., <https://blog.aare.edu.au/schools-are-unfairly-targeting-vulnerable-children-with-their-exclusionary-policies/>
- 27 *Excluded and Refused Enrolment: Report Shows Illegal Practices against Students with Disabilities in Australian Schools*. Living on the Spectrum. May 16, 2022. <https://www.livingonthespectrum.com/education/excluded-and-refused-enrolment-report-shows-illegal-practices-against-students-with-disabilities-in-australian-schools/>.
- 28 Cherry Baylous, and Leanne Varga, *Falling Behind: A Need for Inclusive Education* (Disability Advocacy NSW and Family Advocacy, 2023).
- 29 M. Townsend, et al. *Educational outcomes of children and young people in out-of-home care in NSW. Pathways of Care Longitudinal Study: Outcomes of Children and Young People in Out-of-Home Care*. Research Report Number 14 (Sydney: NSW Department of Communities and Justice, 2020).
- 30 Linda J. Graham et al., *Inquiry into Suspension* (QUT, 2020).
- 31 “Police in schools”, *Queensland Police*, accessed November 01 2023, <https://www.police.qld.gov.au/police-and-the-community/police-in-schools>
- 32 Ibid.
- 33 Janay B. Sander, “School Psychology, Juvenile Justice, and the School to Prison Pipeline.” *Communique* 39, no. 4 (2010): 4–6.
- 34 Australian Institute of Health and Welfare. 2022. *Youth Detention Population in Australia 2022*. Australian Institute of Health and Welfare. <https://www.aihw.gov.au/reports/youth-justice/youth-detention-population-in-australia-2022/contents/understanding-youth-detention-in-australia/aboriginal-and-torres-strait-islander-people>.
- 35 Linda J. Graham et al., “Overrepresentation of Indigenous students in school suspension, exclusion, and enrolment cancellation in Queensland: is there a case for systemic inclusive school reform?” *The Australian Educational Researcher* 50, no. 2 (2023): 167–201.
- 36 Cherry Baylous, and Leanne Varga, *Falling Behind*.
- 37 Linda J. Graham et al., *Inquiry into Suspension* (QUT, 2020).

- 38 The Education Acts of 1872 to 1895 effectively established a national system of secular, primary schooling, albeit one that developed sporadically. As the subsequent *Australian Constitution* (1901) vested power relating to education with the states, these Acts provided the legal bases for the centralised, colonial, and later state-based systems of education throughout the country. These followed swiftly after the passage of Constitution Acts in the Australian colonies that had established representative parliaments, self-government, and male suffrage. See: "Free, Compulsory and Secular Education Acts," DEHANZ, March 1, 2014, <http://dehanz.net.au/entries/free-compulsory-secular-education-acts/>.
- 39 Victoria had been the first state to pass assimilation legislation with the passing of the *Aborigines Protection Act 1886* and by 1937, government representatives claimed there were too few Aboriginal people 'left' in Victoria for government to develop any new policy, something that the Victorian representative at the 1937 conference pointed out several times. See: Commonwealth of Australia: *Initial Conference of Commonwealth and State Aboriginal Authorities*, 21–23 April, 1937. The Government of Tasmania did not send any representative to the 1937 conference and had no legislation or policy targeting Aboriginal people in that state. The Tasmanian government "resolutely insisted that Tasmania did not have an Aboriginal population" into the 1960s. *Bringing Them Home Report*, np.
- 40 Anna Haebich, *Broken Circles: Fragmenting Indigenous families 1800–2000* (Fremantle: Fremantle Press, 2000), 421.
- 41 Archie Thomas, "Land, labour, and sovereignty in school: the Strelley mob and zones of contest in Indigenous education," *Critical Studies in Education*, online pre-publication, (2023).
- 42 Leanne Holt, "The development of Aboriginal education policy in Australia: voices of the National Aboriginal Education Committee (NAEC)" (PhD thesis, University of Newcastle, 2016).
- 43 Report of the Aboriginal Education Policy Taskforce Australia (Canberra: Aboriginal Education Policy Taskforce, 1988).
- 44 Thomas, "Land, labour and sovereignty in school".
- 45 Alan Corbett, "The last hold out caves: the slow death of corporal punishment in our schools", *New Matilda* 28 (June 2016), <https://newmatilda.com/2016/06/28/the-last-hold-out-caves-the-death-of-corporal-punishment-in-our-schools>
- 46 Linda J Graham et al. "Suspensions and expulsions could set our most vulnerable kids on a path to school drop-out, drug use and crime". *The Conversation*. 15 September 2021. Accessed at: <https://theconversation.com/suspensions-and-expulsions-could-set-our-most-vulnerable-kids-on-a-path-to-school-drop-out-drug-use-and-crime-166827>
- 47 *Royal Commission into Aboriginal Deaths in Custody*. National report (various volumes) (Canberra: Australian Government Publishing Service, 1991).
- 48 Government Gazette Proclamations and Legislation (1880, May 12). *New South Wales Government Gazette (Sydney, NSW: 1832 – 1900)*, p. 2243. Retrieved July 26, 2023, from <http://nla.gov.au/nla.news-article221628548>. See section 62 of the Regulations adopted 4 May 1880.
- 49 J. J. Fletcher, *Documents in the History of Aboriginal Education in NSW*, (Sydney: 1989): 74.
- 50 Ibid; Heather Goodall, *Invasion to Embassy: Land in Aboriginal Politics 1788–1988* (Sydney: Allen & Unwin and Black Books, 1996): 110
- 51 Fletcher, *Documents*, 67.
- 52 Cited in Allison Cadzow, *A NSW Aboriginal Education Timeline 1788–2007* (Sydney: Board of Studies NSW, 2007): 9.
- 53 J. J. Fletcher, *Clean, Clad and Courteous: A History of Aboriginal Education in NSW* (Sydney, 1989): 67; Heather Goodall, *Invasion to Embassy*, 109–110.
- 54 "Black and White, Aboriginal Children Refused Admission to School: Parents Protest" (1898, February 4). *The Daily News* (Perth, WA: 1882 – 1955): 3. Retrieved from: <http://nla.gov.au/nla.news-article82077489>
- 55 Cadzow, *A NSW Aboriginal Education Timeline*, 9.
- 56 Cadzow, *A NSW Aboriginal Education Timeline*, 10.
- 57 Melitta Hogarth, 'One step forward, two steps back: The historical and social context of Indigenous education policy', *Journal of Australian Indigenous Issues*, 19/1–2 (2016): 147–160.
- 58 Fletcher, *Documents*, 116–119.
- 59 Fletcher, *Documents*, 123–124.
- 60 Fletcher, *Documents*, 125–126; Goodall, *Invasion to Embassy*, 147–148.
- 61 Catherine Marciniak, "School history research uncovers time when Aboriginal students were excluded from Baryulgil", *ABC News* 11 December 2017, <https://www.abc.net.au/news/2017-12-11/baryulgil-public-school-once-excluded-aboriginal-students/9224856>

- 62 Cited in Cadzow, *A NSW Aboriginal Education Timeline*, 20.
- 63 Goodall, *Invasion to Embassy*, 143–144.
- 64 Fletcher, *Documents*, 134, 198.
- 65 Cadzow, *A NSW Aboriginal Education Timeline*, 21.
- 66 Erika Zimmer, “Disposable students” removed from schools in Australia. *World Socialist Web Site*. May 24, 1999, retrieved from <https://www.wsws.org/en/articles/1999/05/edu-m25.pdf>
- 67 Ian Fraser Mackie, *Innovation and reform in Queensland educational policy: a critical analysis* (PhD Thesis, Southern Cross University, 2018).
- 68 “Penal Colony to Board of General Education 1826–1820”. Queensland Government, Brisbane, 20 February 2013, Accessed at November 1, 2023 <https://web.archive.org/web/20171008022312/http://education.qld.gov.au/library/edhistory/state/brief/primary-1826.html>
- 69 Emily Wilson and Shirleene Robinson, “Preserving the traditions of a ‘great race’: youth and national character in Queensland, 1859–191,” *Journal of the Royal Australian Historical Society* 94, no. 2 (2008): 166–185.
- 70 Alan Williamson, *Schooling the Torres Strait Islanders 1873–1941: Context, Custom and Colonialism*, (University of South Australia, 1994), 50.
- 71 *Commission of Inquiry into the Abuse of Children in Queensland Institutions* (Brisbane: Queensland Government. 1999).
- 72 Williamson, *Schooling the Torres Strait Islanders 1873–1941*, 59.
- 73 Mackie, *Innovation and reform in Queensland educational policy*.
- 74 Williamson, *Schooling the Torres Strait Islanders 1873–1941*, 53.
- 75 Wilson and Robinson, “Preserving the traditions of a ‘great race’”.
- 76 *Commission of Inquiry into the Abuse of Children in Queensland Institutions*.
- 77 Rosalind Kidd, *The way we civilise: Aboriginal affairs – the untold story* (Brisbane: University of Queensland Press, 1997).
- 78 Williamson, *Schooling the Torres Strait Islanders 1873–1941*, 124–5.
- 79 *Commission of Inquiry into the Abuse of Children in Queensland Institutions*.
- 80 *Commission of Inquiry into the Abuse of Children in Queensland Institutions*.
- 81 Mackie, *Innovation and reform in Queensland Indigenous educational policy*.
- 82 Mackie.
- 83 Mackie.
- 84 Williamson, *Schooling the Torres Strait Islanders 1873–1941*, 125.
- 85 Mackie, *Innovation and reform in Queensland Indigenous educational policy*
- 86 Williamson, *Schooling the Torres Strait Islanders 1873–1941*, 125–6.
- 87 Kidd, *The way we civilise*.
- 88 *Commission of Inquiry into the Abuse of Children in Queensland Institutions*.
- 89 Kidd, *The way we civilise*.
- 90 *Commission of Inquiry into the Abuse of Children in Queensland Institutions*.
- 91 Mackie, *Innovation and reform in Queensland Indigenous educational policy*
- 92 Haebich, *Broken Circles*.
- 93 Mackie, *Innovation and reform in Queensland Indigenous educational policy*.
- 94 *Commission of Inquiry into the Abuse of Children in Queensland Institutions*.
- 95 Jayne Hodgson, “History of Aboriginal Education Cape York Peninsula: A Case Study,” *Aboriginal Child at School* 18, no. 3 (1990): 11–35.
- 96 Anti-Discrimination Commission Queensland, *Aboriginal people in Queensland: a brief human rights history*. (Brisbane: Anti-Discrimination Commission Queensland, 2017).

- 97 Holt, *The development of Aboriginal education policy in Australia*.
- 98 Holt.
- 99 Holt.
- 100 Lisa Cameron and Margaret Thorsborne. "Restorative justice and school discipline: Mutually exclusive." *Restorative justice and civil society* 180 (2001): 194.
- 101 "Corporal punishment in Queensland schools". *Queensland Department of Education*, accessed via: [https://web.archive.org/web/20171013004227mp\\_/http://education.qld.gov.au/library/edhistory/topics/corporal/](https://web.archive.org/web/20171013004227mp_/http://education.qld.gov.au/library/edhistory/topics/corporal/)
- 102 *Commission of Inquiry into the Abuse of Children in Queensland Institutions*
- 103 Linda J Graham, "Questioning the impacts of legislative change on the use of exclusionary discipline in the context of broader system reforms: A Queensland case-study." *International Journal of Inclusive Education* 24, no. 14 (2020): 1473-1493.
- 104 Anti-Discrimination Commission Queensland, *Aboriginal people in Queensland*.
- 105 Graham, *Questioning the impacts of legislative change on the use of exclusionary discipline*.
- 106 Bruce McDougall, "School of hard knocks," *Courier Mail*, 2015.
- 107 Linda J Graham, Callula Killingly, Kristin R. Laurens and Naomi Sweller, "Overrepresentation of Indigenous students in school suspension, exclusion, and enrolment cancellation in Queensland: is there a case for systemic inclusive school reform?". *Australian Educational Researcher* 50, (2023): 167-201
- 108 Queensland Advocacy Incorporated and Aboriginal and Torres Strait Islander Legal Service Qld Ltd, *The need for an inquiry into school disciplinary absences in Queensland state schools*, submission to the Queensland Human Rights Commission. Brisbane: Queensland Advocacy Incorporated. 2022.
- 109 Belinda McGill, Kay Whitehead and Lester Rigney, 'Culture and education with Alice Rigney (1942-2017) Australia's first Aboriginal woman school principal,' *History of Education Review* 51:1 (2002): 1-15; Theobald, 'Oodnadatta'; Pavla Miller, *Long Division: State Schooling in South Australian Society* (Netley, Wakefield Press: 1986).
- 110 Gordon Briscoe, *Racial Folly: A Twentieth-Century Aboriginal Family* (Canberra, ANU E Press: 2010); Charles Perkins, *A Bastard Like Me*, (Sydney, URE Smith: 1975); Stuart Rintoul, *Lowitja: The authorised biography of Lowitja O'Donoghue* (Crows Nest, Allen & Unwin: 2020)
- 111 Ralph Folds, *Whitefella School: Education and Aboriginal Resistance* (Sydney, Allen & Unwin: 1987).
- 112 McGill, Whitehead & Rigney, 'Culture and education.'
- 113 McGill, Whitehead & Rigney, 'Culture and education.'
- 114 *Final report of the Royal Commission on the Aborigines; Together with Minutes of Evidence and Appendices* (South Australia, 1916)
- 115 Theobald, 'Oodnadatta,' 217.
- 116 Harris cited in Theobald, 'Oodnadatta,' 218.
- 117 Find and Connect, 'Swan Reach Mission (1926-1946), accessed via <https://www.findandconnect.gov.au/ref/sa/biogs/SE01327b.htm>
- 118 Cited in Theobald 'Oodnadatta,' 217.
- 119 Theobald, 'Oodnadatta,' 217.
- 120 Director to Advisory Council of Aborigines, 1926, cited in Theobald, 'Oodnadatta,' 219.
- 121 Arthur Maxwell Hart, 'A History of the Education of Full-Blood Aborigines in South Australia,' (MA Thesis, University of Adelaide, 1970).
- 122 *Committee of Enquiry into Education in South Australia, 1969-1970* (South Australia, Government Press: 1971), sections 14.24-14.26.
- 123 *Committee of Enquiry into Education in South Australia*, sections 14.50
- 124 Hope cited in R. Folds, *Whitefella school: Education and Aboriginal resistance* (Allen and Unwin), 11-12.
- 125 Tracy Bell, *Aboriginal Community Schools* (Canberra: The Parliament of the Commonwealth of Australia, 1984).
- 126 Folds, *Whitefella School*, 9.
- 127 This includes Leonie Stevens' *Me Write Myself: The Free Aboriginal Inhabitants of Van Diemen's Land at Wybalenna* (Melbourne, Monash University Publishing, 2017)

- 128 National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from Their Families, *Bringing Them Home* report (Sydney: Human Rights and Equal Opportunity Commission, 1997).
- 129 *Public Schools Act* 1868.
- 130 Haebich, *Broken Circles*, 128.
- 131 Commissioner of Police, Mr J E C Lord, *Furneaux Islands: Report on the State of the Islands*, 1908.
- 132 *Bringing Them Home* report, 1997.
- 133 *Bringing Them Home* report, 1997.
- 134 Haebich, *Broken Circles*, 181.
- 135 *Bringing Them Home* report, 1997.
- 136 *Bringing Them Home* report, 1997.
- 137 *Mercury*, 'Letter to the editor', 25 June 1969.
- 138 Leanne Holt, *Talking Strong: The National Aboriginal Educational Committee and the Development of Aboriginal Educational Policy*, (Canberra: Aboriginal Studies Press, 2021) 43–44.
- 139 Matt Smith, 'Plea to end suspensions for school students', *Mercury*, 18 April 2015, <https://www.themercury.com.au/news/tasmania/plea-to-end-suspensions-for-school-students/news-story/a2610e5065629ce3dae072b78f829576>
- 140 Richard Broome, *Aboriginal Victorians: A History Since 1800*, (Allen and Unwin, 2005).
- 141 Marsden, *Histories of Aboriginal Education*
- 142 Marsden, *Histories of Aboriginal Education*.
- 143 Aunty Olive Jackson, "Growing Up Running from the Welfare" *Aboriginal Elders Voices: Stories of the 'Tide of History'*, ed. The Aboriginal Community Elders Service (ACES) and Kate Harvey (Melbourne: ACES, 2003), 25.
- 144 Shannon Woodcock, Gary Foley, Clare Land, Will Bracks, Alan Brown, Jon Hawkes and Natasha Ritchie, 'Black Power Education in Melbourne: Koori Kollij in Historical Context,' *Histories of People and Place*, 2023.
- 145 Georgina Meyer, 'Northland Secondary College,' 1999, Kooriweb, <http://www.kooriweb.org/foley/great/northlands.htm>; Gareth Boreham, 'Kooris jubilant over Northland Reprieve', *The Age*, December 8, 1993.
- 146 Dr Aunty Doris Paton, *A journey with Woolum Bellum Koorie Open Door Education (KODE) school: its life cycle in meeting the educational needs of Aboriginal children* (PhD Thesis, RMIT University, 2009).
- 147 'Vic govt scraps Aboriginal schools,' *ABC News*, 18 September 2008, <https://www.abc.net.au/news/2008-09-18/vic-govt-scraps-aboriginal-schools/514684?site=gippsland>
- 148 Victorian Ombudsman, *Investigation into Victorian government school exclusions* (Victorian Government, 14 August 2017) accessed via <https://www.ombudsman.vic.gov.au/our-impact/investigation-reports/investigation-into-victorian-government-school-expulsions/>
- 149 Adam Carey, 'School exclusion rates plunge after students gain new power to appeal', *The Age*, August 23 2020, accessed via <https://www.theage.com.au/politics/victoria/school-expulsion-rates-plunge-after-students-gain-new-power-to-appeal-20200819-p55n8l.html>
- 150 C.F. Mounsey, 'Aboriginal Education—A New Dawning', *Aborigines of the West: Their Past and Present*, eds. R. M. Berndt & C. H. Berndt (UWA Press, Perth, 1980): 395–405.
- 151 The Law Society of Western Australia, *Issues affecting incarceration rates of Aboriginal and Torres Strait Islander children*, Briefing Paper (August 2020), [https://lawsocietywa.asn.au/wp-content/uploads/2023/01/BriefingPapers\\_Issues\\_Incarceration\\_ATSI\\_Children.pdf](https://lawsocietywa.asn.au/wp-content/uploads/2023/01/BriefingPapers_Issues_Incarceration_ATSI_Children.pdf)
- 152 Haebich, *Broken Circles*, 149.
- 153 Anna Haebich, *For Their Own Good: Aborigines and government in the south west of Western Australia, 1900– 1949*, (Nedlands, UWA, 1992), 141.
- 154 Haebich, *For Their Own Good*, 139.
- 155 Haebich, *Broken Circles*, 514.

- 156 Director of Education to H Griffiths, 29 January 1919, cited in Bruce T. Haynes, *W.A. Aborigines 1622–1972* (Perth, History Association of Western Australia, 1973) 55.
- 157 Department of Education, *WA Education 1830–1970*, 148.
- 158 Education Dept 1946, cited in Mounsey 1979, 400; Haebich, *Broken Circles*, 515.
- 159 Mounsey 1979; Patricia Koningsberg, 'Western Australian Aboriginal Education Policies and Cross-Cultural School and Community Links: Challenges to Life-Long Learning', *Symposium of the Japanese Association for the Study of Learning Society* (2015), 10, accessed via [https://www.jstage.jst.go.jp/article/gakusyusyakai/11/0/11\\_9/\\_pdf/-char/ja](https://www.jstage.jst.go.jp/article/gakusyusyakai/11/0/11_9/_pdf/-char/ja)
- 160 Barry Down 'A Different, more practical education', *Education Research and Perspectives*, 21:2 (1994), 54.
- 161 Report of the Western Australian *Royal Commission into Aboriginal Affairs*, (1974): 128.
- 162 Thomas, *Land, labour and sovereignty in school*.
- 163 Bell, Aboriginal Community Schools.
- 164 "A School That Builds Character", Christian Aboriginal-Parent Directed School (C.A.P.S), accessed November 1, 2023 <https://www.caps.wa.edu.au/our-school-1/>
- 165 Bell, Aboriginal Community Schools.
- 166 "Our Story", Yiyili Aboriginal Community School, accessed November 1, 2023, <http://www.yiyilischool.wa.edu.au/ourstory>
- 167 Bell, Aboriginal Community Schools.
- 168 Quentin Beresford & Paul Omaji, *Rites of passage: Aboriginal youth, crime and justice* (South Fremantle, Fremantle Arts Centre Press, 1996).
- 169 Quentin Beresford, "Policy and Performance: Aboriginal Education in Western Australia in the 1990s", *Australia Journal of Education* 45, no. 1 (2001): 26.
- 170 Anna Sullivan et al. "Understanding Disproportionality and School Exclusions", Key Issues Paper no. 4. *University of South Australia*. [https://schoolexclusionsstudy.com.au/application/files/3816/0205/0967/Key\\_Issues\\_Paper\\_4\\_School\\_Exclusions\\_Study\\_Disproportionality\\_30092020.pdf](https://schoolexclusionsstudy.com.au/application/files/3816/0205/0967/Key_Issues_Paper_4_School_Exclusions_Study_Disproportionality_30092020.pdf); John Gardiner, David Evans & Kenneth Howell, "Suspension and exclusion rates for Aboriginal students in Western Australia" *The Aboriginal child at school* 23, no. 1 (1995), <https://ajie.atsis.uq.edu.au/acs/article/view/963>
- 171 Department of Education, *Annual Report* (2009), 10, accessed via <https://www.education.wa.edu.au/annual-reports>
- 172 Western Australian Auditor General's Report, *Follow-on: Managing student attendance in Western Australian public schools* (Report 16: August 2015), 16, accessed via <https://www.parliament.wa.gov.au/publications/tailedpapers.nsf/displaypaper/3913218afaa8e78d68c9867048257ea60016ea89/%24file/3218.pdf>
- 173 Western Australian Auditor General's Report, *Follow-on*, 4.
- 174 Department of Education, *Aboriginal Education Plan for WA Public Schools 2011–2014* accessed via [https://www.parliament.wa.gov.au/publications/tailedpapers.nsf/displaypaper/3813393a38b5ea66293dd49748257894003c9059/\\$file/3393.pdf](https://www.parliament.wa.gov.au/publications/tailedpapers.nsf/displaypaper/3813393a38b5ea66293dd49748257894003c9059/$file/3393.pdf)
- 175 Western Australian Auditor General's Report, *Follow-on*, 15.
- 176 Western Australian Auditor General's Report, *Follow-on*, 6
- 177 Tallulah Biendurruy, 'Kimberley student attendance drops again as 95 per cent of public schools record significant falls', *ABC Kimberley*, 24 March 2023, accessed via <https://www.abc.net.au/news/2023-03-24/kimberley-student-attendance-drops-public-schools/102136566>
- 178 Hall School Museum and Heritage Centre, "Yass Aboriginal School [1930–1951]", accessed via <https://museum.hall.act.au/school/2591/yass-aboriginal-school.html>; 1929 'BLACK AND WHITE', *The Canberra Times* (ACT : 1926 – 1995), 27 June, p. 2. , viewed 18 Nov 2023, <http://nla.gov.au/nla.news-article1007408>
- 179 Hall School Museum and Heritage Centre, "Yass Aboriginal School [1930–1951]".
- 180 ACT Government, *Aboriginal and Torres Strait Islander Education 2017–18*, Report to the Legislative Assembly of the ACT, 25, accessed via [https://www.education.act.gov.au/data/assets/pdf\\_file/0009/1291068/Aboriginal-and-Torres-Strait-Islander-Education-Report-2017-18-Web.pdf](https://www.education.act.gov.au/data/assets/pdf_file/0009/1291068/Aboriginal-and-Torres-Strait-Islander-Education-Report-2017-18-Web.pdf)
- 181 ACT Government, *Interim: Suspension, Transfer or Exclusion of a Student in ACT Public Schools Policy 2023*, January 2023,

accessed via [https://www.education.act.gov.au/data/assets/pdf\\_file/0007/2169574/Suspension,Transfer-and-Exclusion-Policy-2023.pdf](https://www.education.act.gov.au/data/assets/pdf_file/0007/2169574/Suspension,Transfer-and-Exclusion-Policy-2023.pdf)

- 182 Ted Ling, *Commonwealth and Government records about the Northern Territory*, (National Archives Australia, 2011) 198.
- 183 Barbara Cummings, *Take This Child: from Kahlin Compound to the Retta Dixon Children's Home*, (Canberra: Aboriginal Studies Press, 1990)
- 184 The timetable is split unevenly: 9–12:30pm for white children, six days a week, and 3–4:30pm for Aboriginal children, five days a week. The school operated in cells occupied by prisoners during the night and then used as classrooms during the day. See: Bruce Strong, *Early Education in Alice Springs and 'The Bungalow': 1800s to 1930s*, (Alice Springs, Bruce Strong, 2003): 4,15, accessed via <https://territorystories.nt.gov.au/10070/634097/0/5>
- 185 Haebich, *Broken Circles*, 196.
- 186 Suzanne Parry and Julie Wells, "Schooling for Assimilation: Aboriginal Children in the Northern Territory, 1939–1955", *History of Education Review* 26, no. 2 (1997): 52.
- 187 Parry and Wells, "Schooling for Assimilation".
- 188 Ling, *Records about the Northern Territory*
- 189 *Northern Standard* (Darwin) 11 March 1949, 3; *Centralian Advocate* (Alice Springs) 18 February 1949, 7; Parry and Wells, "Schooling for Assimilation".
- 190 Parry and Wells, "Schooling for Assimilation", 54.
- 191 Parry and Wells, "Schooling for Assimilation", 53–55.
- 192 Brian Devlin, "A glimmer of possibility" in *History of bilingual education in the Northern Territory: People, Programs, Policies* eds. Samantha Disbray, Brian Devlin and Nancy Devlin (Singapore: Springer, 2017).
- 193 Ellinghaus and Stevens, "Mind the Gap", 2018.
- 194 Haebich, *Broken Circles*, 474.
- 195 Beth Marsden, "Aboriginal Mobility, Scholarships and Anglican Grammar Schools in Melbourne, 1958–65", *Australian Historical Studies*, (2020): 54–69; "Tally Ho Boys' Training Farm, Aboriginal children and the intersection of school, welfare and justice systems 1950s–1960s" *History of Education Review* 50, no. 2, (2021): 166–180.
- 196 The Committee was also directed to investigate the educational needs of the people of the Northern Territory, including Aboriginal people. It comprised JJ Pretz, the Deputy Director Commonwealth Office of Education; CM Griggs, the South Australian Deputy of Education and Reg Marsh, the Assistant Administrator of the Northern Territory. The Committee held public meetings in Darwin, Alice Springs, Katherine and Tennant Creek.
- 197 Find and Connect, "Kormilda College (1967–2017)", accessed via <https://www.findandconnect.gov.au/ref/nt/biogs/YE00082b.htm>
- 198 Gough Whitlam, cited in Archie Thomas, "'We wanted to be boss': self-determination, Indigenous governance and the Yipirinya School," *Journal of Educational Administration and History* 55, no. 3 (2023): 257–273.
- 199 "About Us", Yirara Secondary College, accessed November 1, 2023 <https://www.yirara.nt.edu.au/index.php/about/>
- 200 Archie Thomas, "Bilingual education, Aboriginal self-determination and Yolngu control at Shepherdson College, 1972–1983", *History of Education Review* 50, no. 2 (2021): 196–211.
- 201 Thomas, We wanted to be boss.
- 202 Thomas, We wanted to be boss; Devlin, A Glimmer of Possibility.
- 203 Christine Nicolls, "Death by a thousand cuts: Indigenous language bilingual education programs in the Northern Territory of Australia, 1972–1998", *International Journal of Bilingual Education and Bilingualism*, 8, no. 2–3 (2005), 160–177.
- 204 Archie Thomas, "'The economic world of choice': mainstreaming discourses and bilingual education in Australia 1998–99", *Critical Discourse Studies*, online pre-publication (2022).
- 205 Bob Collins and Tess Lea, "Learning Lessons: an independent review of education in the Northern Territory", (Darwin: Northern Territory Government. 1999).
- 206 Thomas, *The economic world of choice*.
- 207 Janine Oldfield, *Anangu muru wunka subtitle: Talking black fella, a critical policy analysis of the Northern Territory first four hours of English*. (PhD Thesis, University of Melbourne, 2013).



- 208 Bruce Wilson. *A share in the future: Review of Indigenous education in the Northern Territory* (Education Business, 2014).
- 209 Judith Aisthorpe, "Five per cent of Territory students suspended in 2016, figures reveal", *NT News*, July 14 2017, accessed via <https://www.ntnews.com.au/lifestyle/five-per-cent-of-territory-students-suspended-in-2016-figures-reveal/news-story/ba9176baa818038bfc0c774909f4520f>
- 210 Jano Gibson, "Children as young as five suspended in NT, Children's Commissioner 'floored' by numbers", *ABC News*, 16 January 2017, accessed via <https://www.abc.net.au/news/2017-01-16/children-as-young-as-five-suspended-in-nt/8186422>
- 211 NT Government, "Guidelines: Expulsion", December 2015, accessed via [https://education.nt.gov.au/data/assets/pdf\\_file/0003/258123/Expulsion-guidelines-FINAL-2016.pdf](https://education.nt.gov.au/data/assets/pdf_file/0003/258123/Expulsion-guidelines-FINAL-2016.pdf)
- 212 Senate Standing Committees on Education and Employment. *Katu Kalpa – Report on the inquiry into the effectiveness of education and training programs for Indigenous Australians*. (Canberra: Parliament of Australia. 1999). Accessed via: [https://www.aph.gov.au/Parliamentary\\_Business/Committees/Senate/Education\\_Employment\\_and\\_Workplace\\_Relations/Completed\\_inquiries/1999-02/indiged/report/contents](https://www.aph.gov.au/Parliamentary_Business/Committees/Senate/Education_Employment_and_Workplace_Relations/Completed_inquiries/1999-02/indiged/report/contents)
- 213 Will Sanders, 'Changing agendas in Australian Indigenous policy: federalism, competing principles and generational dynamics,' *Australian Journal of Public Administration* 72, no. 2, (2013): 156-170.
- 214 Melitta Hogarth. "One Step Forward, Two Steps Back: The Historical and Social Context of Indigenous Education Policy." *Journal of Australian Indigenous Issues* 19, no. 1-2 (2016): 147-60.
- 215 *Aboriginal welfare: initial conference of Commonwealth and state Aboriginal authorities held at Canberra, 21st to 23rd April, 1937* (Canberra: L.F. Johnston, Commonwealth Government Printer, 1937).
- 216 Devlin, *A Glimmer of Possibility*.
- 217 The Commonwealth and States Conference on Native Welfare, 3-4 September, 1951.
- 218 Cited in Parry and Wells, "Schooling for Assimilation", 57.
- 219 Sanders, *Changing agendas in Australian Indigenous policy*.
- 220 Quentin Beresford, "Separate and unequal: an outline of Aboriginal education 1900-1996". In G. Partington & Q. Beresford eds. *Reform and resistance in Aboriginal Education* (Crawley: UWA Publishing, 2012): 112
- 221 Melitta Hogarth. "One Step Forward, Two Steps Back"; Gary Partington ed. *Perspectives on Aboriginal and Torres Islander education* (Katoomba, NSW: Social Science Press, 1998).
- 222 See also; "Schools Commission Report for the Triennium 1976-78: Chapter 9 - Education for Aborigines", *Aboriginal Child at School* 3, no. 3 (1975): 42-54.
- 223 Holt, *The Development of Aboriginal Education Policy in Australia*.
- 224 Bell, *Aboriginal community schools*, 15.
- 225 *Report of the Aboriginal Education Policy Taskforce Australia* (Canberra: Aboriginal Education Policy Taskforce, 1988).
- 226 *Katu Kalpa*.
- 227 *Royal Commission into Aboriginal Deaths in Custody*. National report (various volumes). (Canberra: Australian Government Publishing Service, 1991).
- 228 Holt, *The Development of Aboriginal Education Policy*.
- 229 Cited in Beresford, *Policy and Performance*, 32.
- 230 *Katu Kalpa*.
- 231 Alison Holland. "Many claim Australia's longest running Indigenous body failed. Here's why that's wrong." *The Conversation*. July 24, 2023. Accessed at: <https://theconversation.com/many-claim-australias-longest-running-indigenous-body-failed-heres-why-thats-wrong-209511#:~:text=The%20longest%20running%20body%20was, failure%20mired%20in%20bureaucratic%20dysfunction>
- 232 Craig Campbell, "Aboriginal and Torres Strait Islander schooling (2)". *Dictionary of Educational History in Australia and New Zealand (DEHANZ)*, 11 November 2020.
- 233 *Katu Kalpa*.
- 234 *Adelaide Declaration*. (Canberra: House of Representatives Committees, Parliament of Australia. 1999) accessed via [https://www.aph.gov.au/parliamentary\\_business/committees/house\\_of\\_representatives\\_committees?url=edt/eofb/rep\\_ort/appendf.pdf](https://www.aph.gov.au/parliamentary_business/committees/house_of_representatives_committees?url=edt/eofb/rep_ort/appendf.pdf)

- 235 Western Australian Aboriginal Child Health Survey, "Chapter 2: Educating Aboriginal Children – Issues, Policy and History", (Telethon Kids Institute, 2004), accessed via [https://www.telethonkids.org.au/globalassets/media/documents/aboriginal-health/waachs-vol3/western\\_australian\\_aboriginal\\_child\\_health\\_survey\\_v3ch2.pdf](https://www.telethonkids.org.au/globalassets/media/documents/aboriginal-health/waachs-vol3/western_australian_aboriginal_child_health_survey_v3ch2.pdf) p. 41.
- 236 Melitta Hogarth. "Is policy on Indigenous education deliberately being stalled?" *The Conversation*, June 8, 2017, <https://theconversation.com/is-policy-on-indigenous-education-deliberately-being-stalled-76855>
- 237 Tony Driese. "Closing the Gap: Indigenous students and NAPLAN," ACER Discover, March 17, 2016. Accessed at: <https://www.acer.org/au/discover/article/closing-the-gap-indigenous-students-and-naplan>
- 238 Archie Thomas, "Tough love and talkfests: discourses of Aboriginal policy in media reporting on Closing the Gap", *Does the media fail Aboriginal political aspirations? 45 years of news media reporting of key political moments* ed. Archie Thomas, Andrew Jakubowicz and Heidi Norman (Canberra: Aboriginal Studies Press, 2020): 117-195.
- 239 National Indigenous Australians Agency (NIAA), "Improving School Attendance through Welfare Reform Measure (SEAM) trial 2009-2012", (Canberra: Australian Government, 2016).
- 240 Australian Government Department of the Prime Minister and Cabinet, *Closing the Gap – Prime Ministers' Report 2015* (Canberra: Australian Government, 2015).
- 241 Hogarth, "One step forward".
- 242 *Closing the Gap Report*, 2015.
- 243 Department of Social Services, "ABSTUDY Policy Manual" 17 May 2022, accessed via <https://guides.dss.gov.au/sites/default/files/documents/2022-05/421-abstudy-policy-manual-may.pdf>
- 244 Closing the Gap in Partnership, *National Agreement on Closing the Gap* (Canberra: Australian Government. 2020), accessed via [https://www.closingthegap.gov.au/sites/default/files/2022-09/ctg-national-agreement\\_apr-21-comm-infra-targets-updated-24-august-2022\\_0.pdf](https://www.closingthegap.gov.au/sites/default/files/2022-09/ctg-national-agreement_apr-21-comm-infra-targets-updated-24-august-2022_0.pdf)
- 245 Linda J. Graham and Callula Killingly, "School suspensions entrench disadvantage. What are the alternatives and how have they worked overseas?" *The Conversation*, October 16, 2023. <https://theconversation.com/school-suspensions-entrench-disadvantage-what-are-the-alternatives-and-how-have-they-worked-overseas-212249>
- 246 Liberty et al. *Holding our Own: A Guide to non-policing solutions to serious youth violence* (2023) accessed via <https://www.libertyhumanrights.org.uk/fundamental/holding-our-own-a-guide-to-non-policing-solutions-to-serious-youth-violence/#page-section-4>
- 247 *Holding our Own*.
- 248 Ibid.
- 249 Ibid.
- 250 "Peacemaking Circle" *Colorado State University* [website] accessed via <https://www.chhs.colostate.edu/hdfs/engagement-and-extension/educating-for-peace/peacemaking/>
- 251 Jacqueline J. Larsen, *Restorative justice in the Australian criminal justice system*, Research and public policy series no. 127, (Canberra: Australian Institute of Criminology), accessed via <https://www.aic.gov.au/publications/rpp/rpp127>
- 252 Fiona Allison, Daniel Daylight & Thomas Duncan, "'Too much money is spent on jails and policing': what Aboriginal communities told us about funding justice reinvestment to keep people out of prison", *The Conversation*, 2 May 2023, accessed via <https://theconversation.com/too-much-money-is-spent-on-jails-and-policing-what-aboriginal-communities-told-us-about-funding-justice-reinvestment-to-keep-people-out-of-prison-20053>



**RECLAIMING OUR FUTURE**



**NIYEC.COM**