

"Stolen Generations" court case

Children lived in fear of seizure

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When Lorna Cubillo, one of the Aboriginal people's "Stolen Generations," gave the opening testimony in her case on August 10, it was not difficult to see why the government sought to prevent the hearing from going ahead.

Cubillo related memories of her young life on Banka Banka station in Australia's Northern Territory during the 1940s. She said that while her Aunt Maisie, whom she knew as her mother, worked on the station, she was instructed by her grandmother to stay away from the roads in case a white man came. Her grandmother kept her away from the station, hiding in the bush, and would smear ashes on her skin to give the appearance that she was not the child of a European.

On the day of her abduction she was with her grandmother in a dry creek bed. When two mounted men approached, she was told by her grandmother to sit quietly behind her. One of the men gave Cubillo some sweet meat, washed the ashes off her legs and said to the other man that she was a "half-caste". The men took Cubillo to Seven-Mile Creek, the telegraph station, along with many of her family members. A few days later, her Aunt Maisie and grandmother arrived on foot. Her grandmother remained until the girl was relocated at Phillip Creek settlement and housed in a dormitory with other part-Aboriginal children.

Elizabeth Hollingworth for the Commonwealth sought to have Cubillo's evidence excluded on the grounds that anyone who could rebut the allegations was dead and the prejudice to the Commonwealth would be overwhelming. Justice O'Laughlin rejected this on the grounds that Cubillo's story should be allowed to be told.

The following day, Cubillo related what happened when she was removed from Phillip Creek. Believing that she was going on a picnic, she was placed on the

back of a truck along with 16 other children. A tussle broke out between her aunt and Amelia Shankleton, the superintendent of Darwin's Loretta Dixon Home, where the Aboriginal children were sent. Shankleton was putting pressure on mothers to give up their children, but Cubillo's aunt refused to hand over her six-month-old baby, whom she was breastfeeding. Then, noticing Cubillo on the truck, her aunt thrust the infant into her arms and threw herself to the ground. As the truck drove off, the people left behind began striking themselves with rocks and sticks, drawing blood from their heads, and throwing dirt over themselves. They vanished from sight in the dust of the truck, some attempting to chase it. The truck drove for two days and nights before reaching Darwin.

Hollingworth, trying to prove Cubillo's memory to be faulty, asked about a list showing that the birth date of the infant mentioned meant that it would have been 18 months old. Cubillo said ages were made up for the children born in the bush, and she had assumed that the infant was about six months old because she had no teeth and could not crawl.

Cubillo testified to the beatings that the children suffered at the hands of missionaries, both male and female, at the Loretta Dixon Home for speaking their own language and wetting the bed. Hollingworth demanded to know the names of the missionaries. She said that she wanted to find out if Cubillo's account was a fabrication.

Cubillo denied that she was confused about events. She related how she received a beating from one missionary, a Mr. Walters, in which he used his belt buckle all over her body. Hollingworth implied it was a fabrication because Cubillo did not report it at the time, even to an aunt she went to after the incident. Cubillo replied that she was ashamed to tell anybody because

she had struck the man to compel him to stop beating her.

A number of witnesses corroborated Cubillo's version of events at Loretta Dixon. Maxine Hill had been an inmate at the home from the early 1950s when she was three. She recalled how she was always hungry, and how she once received a flogging with a razor strap for collecting plums without permission. She said bed-wetting was rife at the home—she wet the bed until she was 14, and received floggings as punishment.

The government denied all responsibility for what happened to Lorna Cubillo, making the spurious claim that her removal and subsequent detention at the Loretta Dixon Home were entirely the work of one Amelia Shankleton, the home's superintendent. Regardless of this claim, the home was officially sanctioned and in large part financed by the Commonwealth, its inmates were considered to be wards of the state and its administrators were answerable to the Director of Native Affairs.

Peter Gunner began his testimony on August 16, describing how he was grabbed by a white man and driven off in a truck. It was not the first time that his abduction had been attempted. On two previous occasions he had eluded capture, once by hiding under a blanket and once by jumping from the back of a truck.

The day on which he was captured was ration day, when a meat truck arrived at the homestead at Utopia Station. He was grabbed and thrown into a truck, and was unable to escape, despite his struggle and the fact that other people were yelling and crying in his own language. Gunner wept as he recounted his initial incarceration at the Bungalow in Alice Springs. The Bungalow, a home for 50 individuals, consisted of a rough framework of wood with some dilapidated sheets of corrugated iron thrown over.

Gunner spoke of his hatred for a missionary at St. Mary's who had sexually abused him while he was bed-ridden with the mumps. Justice O'Laughlin dismissed Commonwealth objections to the presentation of evidence of alleged sexual abuse, ruling that it would be helpful in assessing if Commonwealth supervision of the hostel had been adequate. Three men who were also inmates of the home testified that they had been subjected to sexual abuse. One testified that a welfare officer, who told his relatives that he was taking him to the dentist, had removed him from his grandfather's

care. He said he was kept at the hostel for more than five years, where he was sexually abused from the age of eight, and went hungry every day.

Lena Pula, Gunner's aunt, gave evidence about his life on Utopia Station. Gunner's grandmother and other family members raised him from shortly after birth when his mother left him. Many people took responsibility for him and he always had plenty of food and love. His family, frightened at the prospect that white men would take him away, would, at times, take the child into the bush and paint him with charcoal. On the same day Gunner reiterated a claim that he and other inmates of the St. Mary's Hostel searched bins at school for fruit left over by other students because they did not receive enough food at the home. He also remembered going barefoot and cold.

For the government, Daniel Meagher QC made the claim, based upon an undated document consisting of a thumbprint with the name "Topsy" typed across it, that Gunner's mother Topsy Kundrilba had consented to her son's institutionalisation.

Maurice Worthy, the Northern Territory's Administration Officer of General Welfare between 1962 and 1965, gave important testimony. He told the court that during the 1960s there was a prevailing attitude that neglected children had to be removed from their parents at all costs. He said removing children from their mothers had been traumatic for the children, both black and white.

Worthy added that he did not believe in taking children from their families then and he did not now. His evidence provided another insight into the opposition that existed among some of the officials given the task of implementing the policy of child removal.



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