



NIYEC
National Indigenous Youth
Education Coalition

Yoorrook Justice Commission
Locked bag 7777
Collingwood VIC 3066

18 February 2024

Wiyabu Commissioners,

The National Indigenous Youth Education Coalition is a not-for-profit that aims to assert Indigenous rights to education through backing and mobilising the agency and voice of Aboriginal and Torres Strait Islander students and young people.

Recently NIYEC collaborated with a team of researchers (Beth Marsden, Mati Keynes, and Archie Thomas) to examine the history of excluding First Nations students from school systems across Australia. The key findings detailed in full report, which is be publicly released on 21st March 2024, are:

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.

Based on the information gathered in our report we made several recommendations including that data on all forms of school exclusion be made publicly available and disaggregated by age, gender, disability status, Aboriginal and Torrens Strait Islander status, CALD, health status. Data from religious and independent school sectors should also be included. Currently in Victoria data is available on expulsions only, disaggregated by gender, Indigeneity, disability, out-of-home care, and migrant, refugee or asylum seeker status; data is not available for suspensions and other forms of school exclusion which means that the full extent of school exclusion is not known. Additionally, histories of school exclusion should be systematically documented and the information be made publicly available to inform a public reckoning with the past and present of school exclusion. Currently, 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 which means that researching the history of school exclusion in Victorian public schools is challenging.



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Our key purpose in documenting the history of school exclusion is to foster truth-telling and promote an informed dialogue on the challenges faced by Aboriginal and Torres Strait Islander students in education today. As such, we believe that the information pertaining to Victoria will support the work of the Yoorrook Justice Commissions and is particularly relevant to the Education Issues Paper. Accordingly, the enclosed attachment provides a timeline of school exclusion in Victoria. A significant limitation of our research must be highlighted: our dependence on archival records, historiography, legislation, and policy documents inherently privileges written narratives of school exclusion and resistance. There are many valuable insights and stories preserved in oral histories that are not included in our research report. Nonetheless, we hope that the information we have gathered will support the truth-telling process and highlight the historical and ongoing educational injustices experienced by First Peoples in Victoria.

Please do not hesitate to contact our team if you require any further information.

Nyaanyibu (take care),
Samara Hand
Director of Research and Impact
National Indigenous Youth Education Coalition

Timeline of school exclusion in Victoria

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.¹

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

¹ Marsden, *Histories of Aboriginal Education*.

community at Antwerp to move to the Lake Tyers reserve, many hundreds of kilometres away in Gippsland.

1939

- After the Cummeragunja 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.”² 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 Cummeragunja. 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.³

1985

- The Victorian Aboriginal Education Association (VAEI) was established.

1992

- 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 Koori 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 Koori students, declaring that “we cannot find that the financial and other considerations in (closing) Northlands...outweigh the basic right of the

² 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.

³ 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.

Aboriginal students to have as effective access to public education as non-Aboriginal students."⁴

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.⁵

1996

- The Triparite 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 Koori 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.⁶

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

⁴ 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.

⁵ 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).

⁶ '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>

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).⁷

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 2019.⁸

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".

⁷ 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/>

⁸ 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>