

1 a) Post 2<sup>nd</sup> world war Aboriginal child exclusion was a tool of assimilation. “Children have the right to special guard because of their susceptibility to mistreatment and neglect. In 1965 when Malcolm’s mother expires it was lack of sufficient human rights protections and his human right had been taken away. In this situation Malcolm needed his family, friend and his community to assist him but none were made available to help him or protect him. He was 11 years old at that time” (Youtube.com, 2012).

b) Malcolm and his elder brother stole bicycles from the neighboring high school. Police arrested them and were charged at “Wentworth” with being in a state of neglect. They were found culpable and sent to “Kinchela Aboriginal Boys home near Kempsey”, 1,500 Kms away. Malcolm’s father attended the trial, but with no lawful representation. He hardly understood what’s going on. Malcolm was a care free boy and hardly ever went to school. So the academic development lacked also the family was illiterate and poor to understand any legal conditions. For the lack of qualification it is difficult out to recommend anything for him for the future for him (Youtube.com, 2012).

The Child court did not talk about any about the bicycle but said a lot regarding the family like Malcolm was a neglected child living under proper competent guardianship. Malcolm was represented as neglected child and was drifted away from his family and was sent to “Kinchela Aboriginal Boys”. He stayed there from 1965 -1969. In 1969 Malcolm was transferred for detention to Sydney. They did not let him go home. He was 15 years old at that time, innocent and illiterate. (Youtube.com, 2012).

C) After his release from Sydney he was put into office, but he lost his job due to blindness he was put him into breach of his probation and after this he was immediately put into the “punitive regime of Mt Penang” for in definitive period. He was also involved in petty crime and sent to the atrocious rule of “Tamworth Boys Home”, the tougher most adolescence jail inside the State. In 1972, for the 1<sup>st</sup> time from his imprisonment, the authority decided to get in touch with Malcolm’s family (Youtube.com, 2012).

2a) Subsequent the demise of his mother (Youtube.com, 2012),

- Malcolm could have given a grief therapy to guide him when he was going through the inconsolable process after his mother died.
- Malcolm could have been involved more in work and responsibility.
- Malcolm could have been sent to school for elementary education.

b) As a teenager in custody (Youtube.com, 2012),

- He could have been provided with much care and affection instead of rules and regulations.
- He could have been given little academic development while he was in detention as a teenager.
- Contact with the family, would have helped in throughout the process.

c) When released from custody in Sydney (Youtube.com, 2012),

- He could have sent to his family instead of “Mt.Penang”.
- He could have treated properly and not with disciplinary rules.

3a) The authorities made this evaluation on the basis that Malcolm parent’s had 13 children. Malcolm was a care free child, and hardly ever went to school. He helped his father in his work. The family was poor and uneducated (Youtube.com, 2012).

b) The other factors are illiteracy, underprivileged and not aware of the legal procedures (Youtube.com, 2012).

4) The articles of “Universal Declaration of Human Rights” which were violated are (www.un.org, 2015);

“Article 1: Innate freedom and equality”

“All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.”

Prior to the 2<sup>nd</sup> World War, child removal was thought of as an exercise in racial–social engineering, a method of finding an answer to the troubles of the Aborigines. Post war it altered steadily as a governmental routine, the relatively routine reaction of law enforcement, welfare workers and the courts to the troubles of the Aboriginal families.

“Article 26: Right to education”

“Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory.”

Malcolm hardly ever went to go school for elementary education because his family was poor and uneducated.

“Article 5: Ban on torture”

“No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.”

Malcolm was put to punitive regime and under rules and regulation for an insignificant crime by the authorities.

5) I could get information from the “Aborigines Protection Board” about the rules and regulations. Also now the severance of an “Aboriginal child” from their parents was now governed by “general child welfare legislation” and required the conformity of a court. So I could get information from the Court as well (Youtube.com, 2012).

## References

www.un.org, (2015) *The Universal Declaration of Human Rights*. [Online]

Available at: <http://www.un.org/en/universal-declaration-human-rights/index.html>

Youtube.com, (2012) *Who Killed Malcolm Smith? (1992)*, s.l.: Aboriginal Film 2012.

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