

## Child abuse and neglect in Indigenous Australian communities

Janet Stanley, Adam M. Tomison and Julian Pocock

*Child abuse and neglect associated with Indigenous communities cannot be understood, nor addressed, unless it is viewed from a broad perspective which includes both historical and present day issues. Measures centred around community-based responses which empower Indigenous Australians are needed, in order to protect Indigenous children from the serious levels of abuse which they are presently experiencing.*

Accurate statistics about the incidence of child abuse and other family violence in Aboriginal communities are scarce (Bolger 1991). Although the statistics that are available are imperfect, they are sufficient to demonstrate that the occurrence of violence in Indigenous communities and among Indigenous people "is disproportionately high in comparison to the rates of the same types of violence in the Australian population as a whole" (Memmott, Stacy, Chambers and Keys 2001: 6). O'Donoghue (2001: 15) illustrates the extent of the problem of family violence, noting that many Indigenous children are growing up in communities where violence has become "a normal and ordinary part of life".

Academic discourse in Australia has been rightly criticised as constructing a Westernised perspective of Indigenous reality and as presenting racially biased constructions of the "truth" (Foley 2003). Although Indigenous communities are culturally and geographically diverse, Foley (2003: 50) argues that an "Indigenous Standpoint" can be reached. Non-Indigenous knowledge is generally reported after (and only if) it has been acquired by a highly structured and defined process of knowledge gathering, via the "research method". In contrast (and despite some public perceptions), an Indigenous perspective is rarely recorded in the academic literature.

Further, much Indigenous knowledge is based on personal accounts and stories, a method which has Indigenous cultural integrity. Evidence of the validity of particular perspectives for Indigenous communities is achieved by the passing of information or stories – that is, their repeated sharing and confirmation by many people. Indeed, Indigenous perspectives can be seen as similar to the qualitative methodologies increasingly being used by some non-Indigenous researchers.



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Given these issues, it is important to acknowledge at the outset that this paper has been written by three non-Indigenous people and needs to be viewed with this in mind. Being cognisant of this potential “bias”, the authors have, wherever possible, tried to present Indigenous voices found in many recent reports and through the media, and sought feedback on drafts of the paper from Indigenous representatives.

A common theme in much of the literature is the silence that has, until recently, surrounded the topic of violence in Indigenous communities. In a recent presentation, Dodson (2003) highlighted the need to acknowledge violence as a first step towards healing and resolution of the problem.

Some (for example, Sutton 2000) have argued that making public statements about, and/or dealing with, Indigenous family violence should be the province of Indigenous peoples, not non-Indigenous people. In contrast, Professor Mick Dodson (2003: 8) has recently noted that he feels “unable to give comfort to the view that a non-Indigenous person should leave public statements on these questions to Indigenous people alone . . . The tragic circumstances I refer to are not alone the business of those who suffer them.”

The National Child Protection Clearinghouse has often received requests to develop materials that highlight the nature, extent and causes of Indigenous family violence. This paper has been developed with the Secretariat of the National Aboriginal and Islander Child Care (SNAICC) to provide an overview of the issues around the child abuse and neglect of Aboriginal and Torres Strait Islander children. In particular, the aim is to highlight current understanding of the causes of this maltreatment, present responses to the problem, and offer some recommendations for future directions.

## DEFINING CHILD MALTREATMENT

In this paper a child is defined as a person younger than 18 years of age. As with previous Clearinghouse Issues Papers, the terms *child abuse and neglect* and *child maltreatment* are used interchangeably throughout this paper. Unless otherwise stated, the term *child abuse prevention* encompasses the prevention of all forms of child abuse and neglect.

How child abuse and neglect is conceptualised and defined underpins policy and practice responses (Goddard 1996). The current framework for understanding child abuse and neglect is located within the white western world, where the vast majority of research has taken place (Goddard 1996).

It is common to view the abuse and neglect of children in the following terms (Tomison and Poole 2000: 10):

**Sexual abuse:** any act which exposes a child to, or involves a child in, sexual processes beyond his or her understanding or contrary to accepted community standards.

**Physical abuse:** any non-accidental physical injury inflicted upon a child by a person having the care of a child.

**Emotional abuse:** any act by a person having the care of a child which results in the child suffering any kind of significant emotional deprivation or trauma.

**Neglect:** any serious omissions or commissions by a person having the care of a child which, within the bounds of cultural tradition, constitute a failure to provide conditions that are essential for the healthy physical and emotional development of a child.

Increasingly, children's exposure to, or "witnessing" of, domestic violence (that is, violence between intimate partners) is being considered as either a fifth category of abuse, or as a form of emotional abuse. Exposure to domestic violence encompasses a range of children's experiences that go beyond merely seeing or hearing violence, such as being hit or threatened while in a mother's arms, and being forced to participate in the disagreement as a tool for spying or psychological pressure (Tomison 2000).

However, the issue of children's exposure to domestic violence has only recently begun to be considered or examined in Indigenous communities. Given the extent of violence in some Indigenous communities (see below), this appears to be an issue that requires an urgent response.

## Indigenous understanding of child abuse and neglect

Australian Aboriginal and Torres Strait Island communities commonly prefer to view the abuse of Indigenous children within the broader framework of family violence (Atkinson 1990-1996; Cummings and Katona 1995; Bagshaw, Chung, Couch, Lilburn and Wadham 1999; Robertson 2000). The term, "family violence", is often used by Indigenous people to refer to the broader experience of violence within extended families and intergenerational issues (Domestic Violence and Incest Resource Centre (DVIRC) 1998; Bagshaw et al. 1999; Gordon, Hallahan and Henry 2002). Indeed, the term often extends to encompass the community, reflecting the fact that there is not a clear delineation between private and public spheres in many Aboriginal communities (DVIRC 1998). This broad perspective reflects a preference within Indigenous groups for an holistic approach to addressing issues of violence, loss of cultural identity, substance abuse, and the needs and rights of Indigenous women and children (National Crime Prevention 1999).

### *Personal problem or societal issue?*

As can be seen from the definitions above, the dominant perspective for understanding child abuse and neglect locates the cause of child maltreatment within a personal dysfunction model, where maltreatment is perceived as being caused by a child carer, usually a parent.

In contrast, an early work in the field defined child abuse as "inflicted gaps or deficits between circumstances of living which would facilitate the optimal development of children to which they should be entitled and their actual circumstances, irrespective of the sources or agents of the deficit" (Gil 1975: 346). As Gil (1975) explained, this definition was intended to encompass abuse and neglect within the home, at an institutional level such as schools and child care centres, and at the societal level such as social policies which result in the provision of substandard health and welfare services.

Thus, Gil went beyond individual pathology, to include societal commissions or omissions as a direct cause of child abuse and/or neglect. Such a model may be a useful approach to understanding child abuse and neglect within Indigenous communities. By blurring the boundaries between individual, family and community, such a perspective allows for the inclusion of child abuse and neglect due to past and present social policies, racism and disadvantage. Such conditions in themselves can be viewed as a form of child abuse and neglect, as well as factors contributing to dysfunctional individual behaviour.

Until recently, researchers, policymakers and practitioners working to prevent child maltreatment have tended to view such structural conditions as being beyond the scope of prevention (Parton

1991; Garbarino 1995; Tomison 1997; Tomison and Wise 1999). Thus, most strategies to prevent child maltreatment have focused on addressing child, parent and family-related factors that are associated with a greater propensity for child maltreatment. Scant attention was paid to the societal and community factors that cause harm to children (Hay and Jones 1994; Korbin and Coulton 1996; Reppucci, Woolard and Fried 1999).

However, the importance of “community” is increasingly recognised in policy and practice (Korbin and Coulton 1996), with governments and the child welfare and family support sectors redesigning services to become more community-centred, and forging alliances with local communities to help improve the physical and social environment of communities (Cohen, Ooms and Hutchins 1995; Argyle and Brown 1998). Greater recognition that “programs focused solely on the individual seem destined to failure if they do not take into account community context” (Reppucci et al. 1999: 411) is now based on the theory that child abuse and neglect cannot be overcome through “administrative, legal, technical and professional measures which leave social values, structures and dynamics unchanged” (Gil 1975: 1).

In this paper the authors explore the proposition that this broader framework is necessary to prevent child abuse and neglect in Indigenous communities. As long as the problem is viewed as the problem of an individual, it may be that little progress will be made towards preventing child abuse and neglect in Indigenous communities (Cunneen and Libesman 2002). This paper seeks to further understand child abuse and neglect in Indigenous communities through exploration of this broader perspective.

## THE SIZE OF THE PROBLEM

The limited information that is available on the extent of child abuse and neglect in Indigenous communities is based on the “individualised” notion discussed earlier. Given the absence of prevalence statistics on child abuse and neglect in Australia, it is common to rely on statistics generated from abuse and neglect reported to state child protection authorities.

It is clear that Indigenous children are significantly over-represented in most statutory child protection systems. Based on notifications (or reports) to child protection departments around Australia in 2001-2002, 3,254 Indigenous children under 17 years had some form of abuse substantiated – that is, the statutory protection authority believed that abuse or neglect had occurred (AIHW 2003). This rate of substantiation was on average 4.3 times higher (for all types of abuse) in the Indigenous population than in the non-Indigenous population. The rate varied widely between states, with Victoria and Western Australia having a substantiation rate nearly eight times higher for Indigenous children than non-Indigenous children. Indigenous children were the subject of proportionately fewer substantiations for sexual abuse than non-Indigenous children and proportionately higher substantiations for neglect than non-Indigenous children.

Indigenous children are six times more likely to be removed from their families than other Australian children (Edwards and Madden 2001), a situation that has changed little since this problem was identified in 1979 at the First Aboriginal Child Survival Seminar (Jackson 1979). Aboriginal and Torres Strait Islander children comprise 2.7 per cent of children in Australia, yet constitute 20 per cent of those placed in out-of-home care (Cunneen and Libesman 2000). As of June 2001 there were 4,073 Aboriginal children in out of home care.

As these departmental child protection figures are based on reported child abuse and neglect only, they are likely to be an under-estimate of actual levels of child maltreatment. Further, the figures have a number of shortcomings when viewed as a measure of reported abuse. For example, the states have varying legislation and thus different conceptions and definitions of abuse and neglect (AIHW 2003).

The states also have different requirements in relation to mandatory reporting of abuse and neglect, varying as to whether reporting is mandatory, who is mandated and the types of abuse where reporting is mandated (AIHW 2003). Child abuse definitions used by statutory child protection departments are said to be kept vague to allow for a more flexible response (Corby 1993, reported by

Goddard 1996). These and other influences help account for the varying substantiation rates across the states, factors not explained by the numbers of Indigenous children in each state.

Other indicators suggest that these departmental figures may under-estimate child abuse and neglect more among Indigenous children than among non-Indigenous children (for example, Gordon, Hallahan and Henry 2002; Memmott et al. 2001). The Robertson Report (2000: xiii) stated: “Violence is now overt; murders, bashings and rapes, including sexual violence against children, have reached epidemic proportions with both Indigenous and non-Indigenous people being perpetrators.”

Statistics from the Western Australian criminal justice system reveal that in 2000, the rate of reports to police of sexual assault of Indigenous girls was approximately double that of non-Indigenous girls (Ferrante and Fernandez 2002, reported in Gordon, Hallahan and Henry 2002). Yet it is estimated that less than 30 per cent of sexual assaults on children are actually reported to police and that this reporting rate is lower in Indigenous communities than non-Indigenous communities. Further, it was noted in the Robertson Report (2000) that 88 per cent of all rapes in Indigenous communities go unreported. Thus, it would appear that the documented extent of assault in Indigenous communities is just the tip of the iceberg.

### The failure to report child maltreatment

This failure to report and record the abuse and neglect of Indigenous children may be due to a number of factors. These include shame and fear of experiencing racism (discussed further below), and a fear of reprisal from the perpetrator in small, closed communities, or pay-back from relatives, as well as fear by some of the police response (Robertson 2000; Aboriginal Women’s Task Force and the Aboriginal Justice Council 1995).

Some people perceive a need to protect the perpetrator because of the high number of Indigenous deaths in custody (O’Donoghue 2001). Fitzgerald (2001) noted that this is a realistic fear, particularly in Cape York communities where a death in custody would be seen as the victim/survivor’s fault. There may be no official to report to and/or no means of reporting in remote communities without public transport or private vehicles (Fitzgerald 2001; Aboriginal Women’s Task Force and the Aboriginal Justice Council 1995).

Past inaction to reports reduces confidence that appropriate action will be taken (Greer 1992; Robertson 2000). Inaction may be due to authorities being fearful of their own safety because of the high general levels of violence in the community and/or a specific fear of subsequent retaliation for action they may take (Memmott et al. 2001). It may be a result of stress and burnout associated with too few resources and too much work (Stanley and Goddard 2002; Memmott et al. 2001). Indigenous workers may have particular problems in taking action against an offender. Given that they are likely to live and work in the same community, the person may be a family member or a Community Elder (Cunneen and Libesman 2002), or from the same language or clan group (Richard Munt, personal communication). There is the potential for a conflict of interest between the desire to protect children and the need to formally take action against an offender.

Once a report is made, there may be a number of reasons why the substantiation rate of sexual abuse is lower for Indigenous than for non-Indigenous children. It is possible that child protection authorities and other professions with the responsibility to protect the child are uncertain about what the best response would be, particularly in the legacy of the “stolen generation” when many Indigenous children were removed from their family and community. It is also possible that practitioners are overwhelmed by the size, complexity and number of problems experienced by Indigenous communities. Problems created by a lack of resources (such as a lack of appropriate Indigenous substitute carers accessible to the community) may create uncertainty about what is best for an Indigenous child – remaining with some level of risk, or facing the adverse impact of cultural dislocation.

In short, none of the submissions from Indigenous communities to the National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from their Families (Human Rights and Equal Opportunity Commission (HREOC) 1997) saw interventions from “welfare departments as an effective way of dealing with Indigenous child protection needs” (Cunneen and Libesman 2002: internet version).



## Domestic violence

As noted, children's exposure to domestic violence is now commonly classified as a form of child abuse. In addition, the presence of domestic violence can be taken as a reflection of the extent of violence in communities. Again, while no definitive figures are available, it would seem that domestic violence is a major problem in some Indigenous communities. Domestic violence is estimated to occur in up to 70 per cent of families in some Aboriginal and Torres Strait Islander communities (Sam 1992).

In one community in Queensland more Aboriginal women have died as a result of violent assault than all black deaths in custody in that State (Sam 1992). Ferrante and colleagues (1996) suggested that Aboriginal women living in rural and remote areas were one and a half times more likely to be a victim of domestic violence than those living in metropolitan areas, and 45 times more likely to be a victim of domestic violence than non-Aboriginal women.

There are reported to be approximately 6,000 incidents of domestic assault on Indigenous women in the Northern Territory per year – that is, approximately one-third of the Northern Territory's Indigenous female population is assaulted each year. Weapons are reported to be used in around 50–60 per cent of Indigenous attacks between spouses (Memmott et al. 2001).

## THE CAUSES OF CHILD ABUSE

As in non-Indigenous communities, it is commonly believed that child abuse and neglect in Indigenous communities are caused by a multitude of factors (Belsky 1980; Memmott et al. 2001). However, as noted earlier, the Indigenous perspective usually places considerably more emphasis on the impact of the wider community and societal causal factors.

One way of organising the factors which cause child abuse is to follow the model of three broad causes of violence, suggested by Memmott and colleagues (2001). These are: *precipitating causes* (one or more events triggering a violent episode); *underlying factors* (historical circumstances); and *situational factors* (such as the combination of alcohol abuse, unemployment, and welfare dependency).

The various factors contributing to child abuse and neglect, some of which are outlined above, are emphasised to varying extents by different authors and commentators. Similar factors may be described in a variety of ways. Furthermore, the factors are not discrete but are inter-related, often with multi-directional causes and effects. The distinction between situational and underlying factors is not always clear and both types of factors often have a similar impact on people, which, as noted, is often described in terms of trauma.

The personal experience of feeling traumatised is an underlying barrier to change since trauma and powerlessness typically run hand in hand. The literature indicates that trauma is an event which renders a person helpless (Freud 1926). A traumatised person experiences paralysis, becomes overwhelmed, immobilised and withdrawn (Kardiner and Spiegel 1947; Krystal 1971; Horowitz 1992). The whole apparatus for concerted, coordinated and purposeful activity is smashed (Kardiner and Spiegel 1947).

Those who are already disempowered or disconnected from others, and particularly those who are already troubled or have experienced multiple traumas, are most at risk when traumatised (Herman 1992). The combination of trauma with cultural change and dislocation for some Indigenous people, is likely to lead to dysfunctional coping methods (such as the use of alcohol to assist denial) and present as a severe barrier to change. In the following sections some of the underlying and situational factors impacting on child maltreatment in Indigenous communities will be briefly reviewed.

## Underlying factors

While the available (non-Indigenous) research evidence suggests that a proportion of parents who have been abused as children will become abusive, the majority will not (Kaufman and Zigler 1993). In a review of the literature on prospective studies investigating intergenerational transmission, Kaufman and Zigler (1987) produced a "best estimate" rate of 30 per cent (with a plus or minus 5 per cent error) of abused children who become abusive parents.

A number of prominent Indigenous spokespersons believe that present dysfunctional behaviour in some Indigenous communities, including the abuse and neglect of children, is grounded in unresolved grief associated with multiple layers of trauma that has spanned many generations (for example, Atkinson 1994; Pearson 2000; Robertson 2000; Trudgen 2000).

The intergenerational transmission of violence is also discussed by Atkinson (1990-1996) and other Indigenous commentators (Hazelhurst 1994; Robertson 2000), although this is placed in a wider societal context. According to Hazelhurst (1994: 21-22): "It (violence) was learned by Aboriginal people from the initial aggression of white occupation, and has since been transferred through the fabric of Aboriginal society over several generations of exposure to male dominated colonial and paternalistic administrations."

The report, "Bringing them Home" drew attention to the fact that violence may also be transmitted by omission. The past forced separation of Indigenous children from their families and communities has resulted in a loss of parenting skills and abilities (HREOC 1997), thus increasing the likelihood of the involvement of child protection services in Aboriginal families (Cunneen and Libesman 2000).

Indeed, "The Aboriginal and Torres Strait Islander Women's Task Force on Violence Report" (Robertson 2000) noted that many Indigenous people are suffering from post-traumatic stress disorder. To survive over the years, many Aboriginal people have had to suppress and/or deny their feelings of distress and despair. This pain has become internalised within the family, expressing itself in destructive behaviours such as family violence, alcohol and drug abuse and suicide (Atkinson 1994: 10). Thus, this enacting of trauma is seen as a form of "coping mechanism" (Robertson 2000: 31).

In a similar vein, Pearson (2000) suggests that this trauma is not seen just as an issue for individuals and families, but is seen in the context of the community itself being traumatised. While variously described, these traumas relate almost exclusively to the impact on Indigenous communities of their interaction with white communities throughout the history of white settlement of Australia. It is "the process of dispossession and the operation of racism throughout history" (Pearson 2000: 33).

The suffering is caused by "genocide, enslavement, cultural violence and racism" (Robertson 2000: 25). Indeed, "many members of contemporary Indigenous Communities can still remember the policies that isolated them from the broader community, that exempted them from associating with family and kin, that forcibly removed them as children and subjected them to treatment that breached even the most basic human rights" (2000: xiii).

Atkinson (1994) believes that the traumas relate to: "a failure to adequately grieve for family deaths and injury from introduced diseases; starvation because of economic (land) dispossession; the experience of physical and sexual brutality; and covert structural violence including forced removal of people to reserves, institutions, stations and homes as 'domestics'."

Present disadvantage is also related to the historical experience of the previous government policy of assimilation, as well as the dispossession and marginalisation experienced by Indigenous people (Cunneen and Libesman 2000). There are suggestions in the literature that the sexual assault of Indigenous children and young people has a long history beginning with the early assaults being perpetrated by white colonists.

For example, the recent Queensland Fitzgerald Report (2001) cites the 1901 Amendment Act (of the Aboriginal Protection and Restriction of Opium Act 1897) that addressed the continuing sexual assault of girls and women, including the practice of taking women from place to place like chattels and tying them up to prevent escape. The Amendment required that permits be obtained for all employment of Aboriginal females and decreed that "sexual assault now became an offence if medical proof showed the girl to be pre-puberty" (2001: 11). This, by implication, permitted the sexual assault of girls who had reached puberty.

There is general agreement in the literature that the trauma experienced by Indigenous people is not only historic, but continues today. The contemporary social problems experienced by individuals and families (for example, alcohol, poverty, drug addiction and family violence), while related to stress in the past, are in turn creating present stresses for many Indigenous people.

Particular mention needs to be made of the large-scale removal of Indigenous children from their families as a major contributor to the experience of trauma. This practice began in the first days of

European settlement and continued until the 1970s, “most families” being affected “in one or more generations by the removal of one or more children” (HREOC 1997: 4). The release of the “Bringing them Home” report in 1997, and more recently the work of Read (1999), have focused attention on the multiple layers of trauma experienced by the “stolen generations” (as well as by the mothers and other family members involved). They also describe how this experience subsequently affected the parenting skills of those stolen children as adults since they were denied the experience people rely on to become successful and effective parents.

While there are some positive stories of the stolen children becoming leaders and role models for their Indigenous communities, the majority of the stories reveal stolen children growing into adults suffering from trauma (Read 1999). Expert testimony to the “National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from their Families” argued that: “The early loss of a mother or prolonged separation from her before the age of 11 is conducive to subsequent depression, choice of an inappropriate partner, and difficulties in parenting the next generation. Antisocial activity, violence, depression and suicide have also been suggested as likely results of the severe disruption to affectional bonds” (HREOC 1997: 181).

The removal of children is thus presented as a factor directly contributing to the increased levels of violence, including child abuse and neglect, that occurs within Indigenous families.

Non-Indigenous research (Vinson, Baldry and Hargreaves 1996) is of interest here. A study was conducted in two adjoining neighbourhoods in Western Sydney, both economically depressed but with contrasting rates of child maltreatment. The intention was to determine why the difference in the rate of child maltreatment existed and whether this could be attributed to differences in the characteristics of the neighbourhoods as social entities.

The neighbourhoods were matched in terms of population, size and measures of social disadvantage. Based on analysis of demographic data and parents’/carers’ ratings of their social environment, the locality as a place to raise children, transport and communication patterns, and specific aspects of each carer’s support network, it was apparent that the one outstanding difference between the neighbourhoods was the structure of the social networks. The area with the higher rate of abuse suffered from a relative lack of connection between more immediate parts (familial) and more distant parts (usually peers) of the social network. These parents had a quite insular existence, with much less contact with the wider community.

The researchers concluded that the degree of network connectedness enabled them to distinguish between not only clinical and non-clinical populations (high abuse and low abuse) but also high and low risk localities. Thus, the break-up of families and loss of extended family and support networks (kinship groups) as has occurred in many Aboriginal families, may directly contribute to child abuse in the same communities. That is, there has been a loss of “social capital” (Coleman 1988) in the form of trust and reciprocity in the communities.

## Situational factors

Considerable research has shown an association between stressful, negative community conditions, and maladaptive coping behaviour and social dysfunction (see Tomison and Wise 1999). Garbarino (1995) has argued that there may be a toxicity present in the social environment similar to the toxicity of the physical environment, and that some contemporary social environments, wider society, local communities and neighbourhoods, may be particularly toxic for children. Garbarino identified a series of factors including high crime rates, poverty, unemployment, poor housing and an under-resourced education system, that may be presumed to lead to an increased potential for abusive or neglectful behaviour in families, or higher incidences of other social ills.

This pattern in some Indigenous communities has been described as “dysfunctional community syndrome” (Memmott et al. 2001). It would appear from the descriptions available of many Indigenous communities that they suffer from a “toxic” environment which, together with geographical and social isolation, is associated with the break-up of families (Garbarino and Abramowitz 1992). At times this syndrome becomes a self-perpetuating process in Indigenous communities.



## ***Socio-economic disadvantage***

Child maltreatment is disproportionately reported among poor families and, particularly in the case of neglect, is concentrated among the poorest of the poor (Wolock and Horowitz 1984). Aboriginal and Torres Strait Islander people are disadvantaged across a range of socio-economic measures, are more likely than non-Indigenous Australians to live in a community with inadequate and poorly maintained infrastructure, and to be in poorer health. For example, one-third of Indigenous children leave school before 15 years, compared to 15 per cent for all Australian children (Australian Bureau of Statistics (ABS) 2000). The unemployment rate is higher for Indigenous people, being 17.6 per cent compared with 7.3 per cent for all Australians, as at February 2000 (ABS 2000). This figure excludes the 26 per cent of “employed” Indigenous people in the Community Development Project Scheme, which is a “work for the dole” scheme provided through Aboriginal and Torres Strait Islander Council (ATSIC) (ABS 2000).

A report on the health and welfare of Indigenous Australians documents that inadequate and poorly maintained infrastructure is a major problem for some Indigenous communities, particularly those in rural and remote areas (Edwards and Madden 2001). For example, one third of community owned or managed permanent houses in discrete Indigenous communities (over 14,500 dwellings) were found to need major repairs or demolition (Australian Housing Survey 1999, reported in Edwards and Madden 2001). The quality of drinking water is poor and provisions for grey water are inadequate in many intact Indigenous communities. Indigenous people continue to suffer from higher levels of ill health than the rest of the Australian population, as well as being more likely to smoke, consume alcohol at hazardous levels (binge-drinking), and be obese. Life expectancy is lower for Indigenous people, being 56 years for Indigenous males compared to 76 for non-Indigenous males, and 63 years for Indigenous females compared to 82 years for non-Indigenous females (Edwards and Madden 2001).

This socio-economic disadvantage is closely entwined with family violence, being both a cause of child abuse, in the traditional sense and, it is argued, a form of child abuse and neglect in itself. For example, the boundary between the socio-economic disadvantage experienced by many Indigenous people and personal culpability for child neglect is neither understood or defined (Pocock 2003).

Robertson (2000) highlights the impact of socio-economic disadvantage on female heads of households, who often care for large numbers of children (which may in itself be due to family violence) and forced to live in derelict houses that cannot be adequately locked to prevent external intruders entering the house and assaulting residents (children or adults). To what extent should a caregiver be held accountable for abuse or neglect under such circumstances? There needs to be some recognition (and attempts to resolve) the environmental conditions affecting a caregiver’s ability to adequately care for her children.

## **EXPLORATION OF SPECIFIC FACTORS**

There are a number of issues specifically associated with child abuse and neglect in Indigenous communities that are now discussed in greater detail.

### **Indigenous mental health**

Developing an understanding of the mental health of Indigenous people has been hampered by a range of factors. These include the failure to adequately measure Indigenous mental health, and the confusion between behaviour suggestive of mental illness and cultural practices (Edwards and Madden 2001).

The “National Inquiry into the Human Rights of People with Mental Illness” (HREOC) found that the recognised definitions of mental health do not fully apply to Indigenous people because of the way they incorporate physical, mental and spiritual wellbeing (HREOC 1997, reported by Edwards and Madden 2001). Thus, environmental and social factors (perhaps more than in non-Indigenous Australian culture) can have a “lasting and significant impact” on Aboriginal psychological wellbeing and are linked to the development of anti-social and self-destructive behaviour (HREOC 1997: 695).

### ***The criminal justice system response***

Within Indigenous communities, disturbed behaviour is often not identified as “mental illness” (Edwards and Madden 2001). As a consequence, the mentally ill often end up in the criminal justice rather than the mental health system (HREOC 1997, cited by Edwards and Madden 2001). This tendency has been recognised in some court systems, where specialist courts have been developed to address the special needs of the mentally ill, and/or Indigenous offenders (Freiberg 2001).

South Australia has moved further towards developing a specialist response than any other jurisdiction (Freiberg 2001), establishing an Aboriginal Court Day as part of the Port Adelaide Magistrates’ Court, where for one sitting day per week the Court deals with Aboriginal people who have pleaded guilty to an offence. South Australia has also established a Magistrates’ Court Diversion Program in order to ensure that mentally impaired defendants who have committed minor offences are properly assessed and an intervention plan can be developed and implemented (Hunter and McCrostie 2001, as cited in Freiberg 2001).

A South Australian Supreme Court case, *R v Scobie* (2003), provides a recent example of the importance of taking into account offenders’ mental disorders, the potentially dire consequences for Aboriginal defendants where this does not occur, and the potential to prevent the recurrence of abuse via a judicially-enforced program tailored to meet the needs of the offender and his community.

In this case, the defendant was a substance abuser, having used marijuana, alcohol and sniffed petrol, who had committed a number of child sexual offences over a 20 year period. Serious sexual offences (such as abduction, indecent assault, attempt to rape) had been committed in the 1980s. Charged with additional, but less severe offences, in the 1990s, the defendant was made the subject of a Paedophile Restraining Order in 2000. Continued offending and a breach of bail and the Restraining Order resulted in the case being referred to the Supreme Court for the purposes of remanding the defendant in custody until further order (that is, indeterminate incarceration). The Court can make this order if in the opinion of two medical practitioners the person is incapable of controlling their sexual behaviour [Section 23, (Sentencing Act) 1988 (SA)].

During the course of the assessment and judicial process, it became apparent that the defendant had a range of problems, including mild neurological deficits. Despite the offences he had committed, and the impact his substance abuse appeared to have had on his mental state, the defendant had not been psychiatrically assessed, nor had he been offered treatment – over a 20-year period (*R v Scobie* (2003), paragraph 12). Yet in 1989, during a prior court appearance, a judge had recognised the importance of assessing the defendant’s mental functioning (17 November 1989 Port Augusta Supreme Court Circuit per Millhouse J). The judge noted that the defendant’s counsel had *not* suggested assessment prior to sentencing, despite identifying that damage may have been caused by petrol sniffing. The defendant’s counsel, whose role it is to look after his client’s best interests, had replied “I just feel that if he was assessed I just don’t know that it would take us that much further [in determining a sentence]”. Despite the judge identifying the potential need for psychiatric assessment and assistance in his sentencing remarks, none appeared to have been subsequently provided (*R v Scobie* (2003), paragraph 35).

In his last appearance before the Supreme Court (2001-2003), only one of the two medical practitioners deemed the defendant as being incapable of controlling his offending behaviour. Rather than sentence the defendant to a custodial sentence, Justice Gray ordered (and supervised through the Court) a program of rigorous assessment and treatment to curb the defendant’s sexual offending. After 18 months on this program, developed with the assistance of the defendant’s Pitjantjatjara people, who monitored and supervised the defendant, there had been no further incidence of sexual offences. Further, the defendant had been accepted back into both his Aboriginal community and also by non-Indigenous members of the community (*R v Scobie* (2003), paragraph 86).

Comments made by two elders who spoke on his behalf at the final sentencing hearing “showed a recognition and understanding of the problems which had confronted Mr Scobie in the past and the way his problems were being addressed. They also showed acceptance of [him] as a valued member of the community and demonstrated responsibility to provide him with future support” (*R v Scobie* (2003), paragraph 86.).

This case highlights the impact of proper care and wider community support on efforts to prevent offending and to promote better outcomes for offenders. It also demonstrates the benefits that can arise from the adoption of a “therapeutic jurisprudence” perspective (Freiberg 2001), where the aim is to rehabilitate, or to improve the psychological functioning and emotional wellbeing of those affected, not just to punish (Winick 2000, as cited by Freiberg 2001). That is, the realisation that: “recidivism, when caused by underlying physical, psychological, social or economic circumstances, is better, and probably more economically, dealt with by effective social intervention than by harsher sentences” (Freiberg 2001:4).

## Substance abuse

There is a strong, repeatedly documented association between substance abuse and violence in Indigenous communities (for example, Atkinson 1991, Bolger 1991; Fitzgerald 2001; Robertson 2000). Pearson makes the link between alcohol and social problems very strongly: “Ours is one of the most dysfunctional societies on the planet today; surely the fact that the per capita consumption of alcohol in Cape York is the highest in the world says something about our dysfunction” (cited in Robertson 2000: 71).

It is interesting to note that in a national survey of alcohol consumption in Australia, fewer adult Indigenous people reported using alcohol in the previous week than did non-Indigenous Australians (ABS 1995, as cited in Edwards and Madden 2001). Unfortunately, the survey excluded people living in remote areas, so may not be entirely accurate. Of those who reported drinking, however, twice as many Indigenous Australian males were drinking at what was judged to be a high-risk level than non-Indigenous males.

While alcohol is often perceived to be a major “cause” of violence, the links between alcohol consumption and violence are complex and not necessarily involving simple causality. Some commentators note that not all violence is connected with alcohol as there are some alcohol-free communities where violence occurs (Bolger 1991; Memmott et al. 2001). In addition, it is not known how many men who drink do not assault their wives. Robertson (2000) suggests that in some situations alcohol may facilitate or incite violence by providing a socially acceptable excuse for the negative behaviour.

The use of alcohol in particular as a way of coping with past traumas of colonisation and dispossession is a point made by virtually all commentators. However, this means of coping is, in turn, creating its own “dysfunction and despair” (Robertson 2000: 30). For example, women interviewed for the Robertson Report spoke strongly about alcohol as a major cause of violence. It was seen as influencing all aspects of their lives and creating chaos even for those who didn’t drink (Robertson 2000).

The literature refers to a number of compounding factors which relate to the use of alcohol in Indigenous communities and the association between substance abuse and family violence. These are briefly discussed.

### *Historical establishment and facilitation*

There is a history of white Australians using alcohol as a means of manipulating or exploiting Indigenous people (Kahn et al. 1990; Robertson 2000). For example, alcohol was reportedly given to Indigenous workers in lieu of wages by some employers (Robertson 2000) and used as a bribe for sex and entertainment (Hunt 1986). In recent times, publicity has been given to the practice of publicans holding bank saving cards owned by Aborigines, a practice that is said to be widespread in the West Australian Goldfields (Martin 2002). This practice not only prevents the card being used for other needs but leads to the high accessibility of alcohol. It is reported as being associated with an increase in alcohol-related incidents including domestic violence and assaults on young girls (Le Grand 2002).

### *Government policy*

There have been contradictory attitudes by governments to Indigenous alcohol consumption (Robertson 2000), ranging from prohibition, to promotion, to benign neglect. In some communities, the local council appears to have become dependent on the revenue raised from the sale of alcohol. For example, the “Sunday” program (Channel 9, Victoria, 28 April 2002) reported that on Palm Island (Queensland), which has an unemployment rate of 95 per cent, the ambulance service and most of

the community services are funded by the “official” sale of alcohol. There has been inadequate restriction of the “sly grog” trade, where alcohol is brought in illegally to Indigenous communities by both Indigenous and non-Indigenous people, exacerbating the alcohol problem, and consequently violence in the communities (Robertson 2000).

### ***Impact on the intergenerational transmission of violence***

Hunter (1990) makes the connection between the greater access to alcohol in the 1970s and an increase in Indigenous violence, particularly increases in female homicide, suicide, para-suicide and self-mutilation in the 1980s. He notes that the children and young people who currently engage in self-destructive behaviour are the children of the generation who were young adults at the time of rapid change in the 1970s.

They are the first generation to have grown up in environments with normative heavy drinking and significant family violence. Reflecting the intergenerational transmission of behaviour, Indigenous children in some communities are now using alcohol at a very early age (Robertson 2000). Further, the inhalation of solvents (paints, glues and petroleum products) has become widespread in some Aboriginal communities (Moore 2002). Robertson notes that “having been socialised into a culture of alcohol, substance abuse, violence and anarchy, the crimes committed by some (of the current generation) offenders reflect those witnessed or experienced as a child” (Robertson 2000: 31).

### ***Alcohol use and traditional culture***

Pearson (2000) identifies alcohol as corrupting some of the most basic laws and customs in Aboriginal communities, in particular the traditional obligations of sharing resources. For example, the traditional obligation to share food obtained from a hunting trip has been turned into an obligation to share alcohol. Other obligations and relationships are ignored or abused by those addicted to alcohol. He identifies a key issue surrounding the status of children in Indigenous families, when he raises the question of why the obligations to care for children are given lower priority than the “so-called obligations” to share resources with cousins and uncles to enable them to drink. It is possible that this issue may be associated with the problem of the cultural exclusion of men from both the traditional and white culture, a factor which has led to expressions of helplessness and powerlessness amongst some Indigenous men (Hunter 1990; Memmott et al. 2001).

### **Spiritual oppression**

Atkinson (1991) contends that the break-up of families through forced removals, or the threat of removal, has been at the heart of Indigenous cultural disintegration. This loss and destruction of culture is argued to have led to a failure to uphold traditional law, which in turn has led to the growth in family violence in Indigenous communities (Lucashenko and Best 1995; Robertson 2000). The absence of a police presence in some remote communities may exacerbate the breakdown of law and order. These communities are expected to maintain or re-establish law, but often do not have the capacity or resources to undertake this task (Richard Munt, personal communication 2003).

According to Robertson (2000: xii): “Indigenous people generally have been profoundly affected by the erosion of their cultural and spiritual identity and the disintegration of family and community that has traditionally sustained relationships and obligations and maintained social order and control.”

It is particularly significant that cultural disintegration and accompanying role loss has particularly hurt Indigenous men. In contrast to Indigenous women’s roles, male roles have changed significantly in the past 200 years, becoming marginalised, with an accompanying loss of place and status (Moore 2002). It is noted, however, that an understanding of the impact of the breakdown of traditional law will not necessarily lead to a solution. Finding a workable solution may be difficult, as the “authority vacuums that have led to chaotic developments in many settlements seem strongly resistant to the reinstatement of older forms of power, which may be remembered fondly by the elderly but are feared and resisted by the young” (Sutton 2001: 154).

There appears to be growing recognition that the level of community and intra-familial violence will not be reduced without the active participation of men, and a significant change in male culture

(Indemauro, Atkinson and Blagg 1998). There has been some “grass roots” community support for initiatives designed to change male culture such that violence against women and children (and subsequently all violence) becomes less acceptable. In a recent example, a community leader in Mowanjum, a remote Aboriginal community near Derby (Western Australia), instituted a policy in the local football club that players who assaulted their wives or children, or who turned up drunk to matches, were not able to play for the team. Media reports indicated that the threat of the match bans had had some success in modifying the players’ behaviour.

## Passive welfare

In the past few years, a number of people, most notably Noel Pearson (Indigenous advisor to the Cape York Land Council and other Indigenous organisations in Cape York), have focused attention on the issue of “passive welfare” as a contributor to many of the problems affecting Indigenous communities.

Pearson (2000: 21) describes passive welfare as: “an irrational, “gammon” [white fella] economic relationship, where transactions between the provider and the recipient are not based on reciprocity (a respected cultural value). The principle in this relationship is ‘money for nothing’ or ‘help for nothing’. Essentially it is charity.”

Pearson argues that passive welfare has undermined Aboriginal law, and traditional values and relationships. Welfare dependency can cause a breakdown in family harmony and traditional social support, a situation exacerbated by a lack of infrastructure and real employment for people in rural and remote communities who have become almost totally reliant on welfare (Robertson 2000). Compounding the problem, health, family and welfare agencies are not able to meet the increasing demands for these services (Robertson 2000).

## Racism

A link between racism and family violence is sometimes mentioned in the literature, but the reasons for this association are usually not clarified. It is likely that the experience of racism and discrimination attacks self-esteem and personal wellbeing, thus contributing to a break-down in social order and a community’s sense of worth and hence contributing to family violence.

Pearson (2000: 34) argues:

“Make no mistake, racism is a terrible burden. It attacks the spirit. It attacks self-esteem and the soul in ways that those who are not subjected to it would have not an inkling of understanding about. Racism is a major handicap – it results in Aboriginal people not recognising opportunities when they arise, in not being able to seize opportunities when they arise, in not being able to hold on to opportunities when they have them . . . Australians concerned about the position of Aboriginal people in this country should not underestimate the decisive role that racism plays in the wellbeing of Aboriginal individuals and society.”

## Silence and denial

Silence and denial within the Indigenous community would appear to help explain why many children experience ongoing abuse, and why some perpetrators are able to sexually abuse multiple victims without intervention.

Kennedy, an Aboriginal woman who educates the Indigenous community on issues of child sexual assault and the effects of domestic violence on children, states that: “As long as the veil of silence and denial remains over this area, the opportunities for children to suffer without help remain as well as services available to the rest of Australian society will not be adapted and made accessible for Aboriginal communities” (Kennedy 1991: 16).

Mow (1992) identifies community silence as a barrier to overcoming the problem itself. Tonkinson (1985: 299, as cited by Mow) notes that:



“Discussing family matters with an outsider, even one wishing to help, might be almost impossible because of shame. Also, approaching someone of the opposite sex on matters that are thought to be the business of one’s own sex can be too shameful to contemplate . . . Shame is compounded in Aboriginal–white relations by expectations of rejection, by unfamiliarity with procedures and personnel, and by loyalty to one’s own vis-a-vis the dominant society. Put in a nutshell, given Aboriginal experience of white institutions and authority agents, it is scarcely surprising that, ultimately, some women appear to find a violent spouse less threatening than the agencies from which they might seek relief.”

## Media influences

There has been little research on the impact on children of viewing sexual behaviour, including violent and pornographic sexual material (Stanley 2001). Even less is known about how this may impact on young people living in isolated and depressed circumstances in remote Australia (Atkinson 1990). However, first-hand experience reported by some commentators suggests that the viewing of offensive material in the Indigenous community is a factor contributing to sexual violence. This issue is likely to become more problematic with the increase in use of the internet in rural and remote Australia.

Hazelhurst (1994: 27-27) states that:

“Over a 15-20 year period community workers have observed changing patterns of physical behaviour and sexual offending among Aboriginal men and boys which, they are convinced, have been induced by exposure to violent images in the media. This ‘new scourge’ in remote communities has been attributed by local people to the introduction of a diet of macho and violent television programs and, more recently, of violent and pornographic videos available through local distributors and inter-state mail order outlets.”

In some cases, offensive videos brought in by white men as entertainment provide the only, and distorted, understanding that young men have of mainstream culture (Atkinson 1990).

Aboriginal women have identified an increased level of violence and sexual abuse since pornography was introduced to their communities (Atkinson 1990). The women complained that they have been asked to participate in the viewing of offensive material and to imitate sexual acts that are offensive and distressing to them. Further, “assaults on young children, infants, and animals by young males, sometimes roving in gangs, escalate after shipments of pornographic videos” (Hazelhurst 1994: 27).

Hazelhurst makes the comment (which also has some resonance with the trading of sly grog in many remote Aboriginal communities) that “to unscrupulous interests, Aboriginal society is a “sitting duck”” (1994: 28). She goes on to say:

“In one northern Queensland community I visited it was the non-Aboriginal owner of the community garage who ordered in this material from Canberra, and re-hired these to Aboriginal men at a considerable profit. It was the Aboriginal women who were asked to perform the acts that were seen on these videos, or the young children who were assaulted by highly excited teenagers after a viewing. Without proper authority to set up their own controls, these communities are a vulnerable and ready made market for the worst of what western society has to offer.”

## Developing an holistic understanding

It is contended that the abuse and neglect of Indigenous children needs to be understood within a framework that acknowledges the contribution of multiple societal, community, family and individual factors, some of which have been described above. These factors increase the risk of child maltreatment and other family violence in various ways. To be effective, measures to prevent, and intervene with, child abuse and neglect, need to take these factors into account. It is also likely that a positive outcome in relation to intervention with one of these factors will also have a positive impact in relation to other factors, in the form of raising self-esteem and confidence, and belief in the ability to instigate change.

## PREVENTION AND INTERVENTION

Recent reports highlight the dissatisfaction of Indigenous communities with policies and practices in relation to the needs of their children and attempts to intervene with, and prevent, child maltreatment (Cunneen and Libesman 2002).

A key aspect of adopting new approaches is to develop an increased understanding and accommodation of an Indigenous cultural perspective. How this should be done remains unclear. However, the adoption of initiatives such as the Aboriginal and Torres Strait Islander Child Placement Principle<sup>1</sup> (for example, Lock 1997), and the implementation of Victoria's Indigenous Family Violence Strategy (Victorian Government 2002), and the "Western Australian State Government's Action Plan for Addressing Family Violence and Child Abuse in Aboriginal Communities" (Western Australia Government 2002) indicate a willingness to accommodate Indigenous views.

### Preventing child abuse and neglect

It is very difficult to gain an accurate picture of programs that attempt to prevent or address child abuse and neglect in Aboriginal and Islander communities, let alone to determine the success of these programs or to develop "best practice" standards for service provision. This problem has been identified by a number of writers (for example, Tomison and Poole 2000; Memmott et al. 2001). The difficulties arise from the limited number of programs that are currently available, their "ad hoc" nature, and their limited life.

We have the impression that some effective work is being done at the grass-roots and community level but is not necessarily being "officially" recognised. In addition, many programs do not necessarily identify themselves as violence prevention programs. Rather, violence prevention may be an outcome of programs that have other primary aims (for example, addressing recreation or health needs, or the prevention of alcohol abuse) (Memmott et al. 2001). Indeed, violence prevention programs are often not aimed at violence towards children and when they are offered, they are as an adjunct to family and domestic violence services.

In 1998, Memmott and colleagues (2001) recorded 131 family violence prevention programs designed for Indigenous people operating across Australia. These services were classified according to a focus on: family support; strengthening identity; behavioural change (men's and women's groups); night patrols; refuges; community justice groups; dispute resolution; education, such as on violence prevention and conflict resolution; and composite or holistic programs.

In a national audit of child abuse prevention programs carried out by the National Child Protection Clearinghouse, 296 programs (16 per cent of the total 1814 programs) were reported to target Indigenous populations (Tomison and Poole 2000). However, only one quarter of these programs (that is, 4 per cent of the 1814 programs) appeared to have been specifically developed or tailored for the Indigenous population. The bulk of the 296 programs appeared to be generalist programs, with agencies taking clients from a number of populations, including Indigenous communities, people from non-English-speaking backgrounds and people with disabilities.

Given that Aboriginal and Torres Strait Islander peoples generally prefer to attend services offering culturally relevant programs, staffed and managed by their own communities (Tomison and Poole 2000), this is a significant issue. The result may be that Aboriginal and Torres Strait Islander peoples are less likely to attend generalist services, and therefore, if there is inadequate access to Indigenous services, they may fail to seek assistance. A handbook produced by the SNAICC (2002), "Through Young Black Eyes", provides a very useful Australian-wide list of Indigenous services.

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1 This Principle, adopted by all states, says that an Indigenous child who has to be removed from home should be placed elsewhere according to the following priority: firstly with a family member, secondly with a community member, and thirdly with an Indigenous family.

### ***The difficulty in identifying prevention programs***

It is important to note the difficulties involved in gaining an accurate picture of programs that attempt to prevent or address child abuse and neglect in Aboriginal and Islander communities. These include: the limited number of programs that are currently available; their “ad hoc” nature and their limited life. Further, the impression gained by the authors is that some effective work is being done at the grass-roots and community level, but is not necessarily being “officially” recognised. In addition, many programs do not necessarily identify themselves as violence prevention programs. Rather, violence prevention may be a benefit of programs that have other primary aims of addressing, for example, recreational or health needs, or the prevention of alcohol abuse (Memmott et al. 2001). Indeed, violence prevention programs are often not aimed at violence towards children per se. Where services are offered to prevent child abuse, they are often an adjunct to family, and domestic violence services.

Much of the literature that is available on prevention issues in Indigenous communities is Queensland based. The Fitzgerald Report (2001) documents the fact that there are few services in the Cape York communities that can address violence and substance abuse, provide programs for perpetrators, or provide trauma and grief counselling. Further, those services that are available are based on service models that are not accessible or relevant to Indigenous people in Cape York (Fitzgerald 2001). Ketchell and Sweetman (2001: 9) note that “the money set aside to combat Aboriginal domestic violence across the entire [North Queensland] community this year would not be enough to build two women’s shelters”.

Funding concerns also relate to the short-term nature and complexity of the funding arrangements associated with programs, many of which have developed through “ad hoc allocations of Commonwealth and State funds” (Fitzgerald 2001: 31). Fitzgerald argues that “current funding arrangements are complex, highly fragmented, and may in some cases cause competing and conflicting priorities” (2001: 31). Robertson (2000: 109) describes this problem as the “confused and contradictory legislative responsibilities” that is further complicated by the three levels of government, and a “serious lack of inter-governmental collaboration and cooperation which has led to duplication of services and wastage of money”. Clearly, the task of supporting Indigenous communities to devise their own responses for the welfare and protection of children is far from complete.

### **Statutory child protection services**

While the current non-Indigenous child protection models, based on “individualising” and “pathologising” a particular family, may be culturally suited to white Australian culture, there appears to be a strong argument that they are not suitable for Indigenous culture (Cunneen and Libesman 2002). In the “Report of the National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from their Families”, no submission from an Indigenous organisation perceived current statutory interventions by child welfare departments to be an effective response to their communities’ child protection needs (reported by Cunneen and Libesman 2002).

The provision of services to protect Indigenous children from maltreatment is generally still undertaken as part of mainstream statutory child protection services in each Australian state and territory. However, there are examples of attempts to advance Indigenous self-determination and empowerment, and to better acknowledge culture. For example, the Yaitya Tiramangkotti unit operates within the South Australian Department of Human Services as a central Aboriginal child protection consultation and response team. Staffed by Aboriginal people, Yaitya Tiramangkotti makes sure that everything is done to involve Aboriginal families and help them care for their children in ways that are culturally appropriate (Tomison and Poole 2000). The NSW Department of Community Services has recruited Indigenous field officers and policy advisers, funded Indigenous organisations, and adopted the Aboriginal Child Placement Principle as part of child protection legislation (Litwin 1997).

However, some attempts to adjust programs to Indigenous culture have tended to be largely tokenistic (Cunneen and Libesman 2000). For example, although an Indigenous departmental officer may be employed, interventions with Indigenous children and families may still be undertaken by other non-Indigenous professionals and organisations, and key decision-making remains with non-Indigenous officials. Litwin (1997) contends that the over-representation of Indigenous children in the care system can be taken as a demonstration that many interventions are not leading to successful outcomes.

Litwin (1997) points to a certain paradox in child welfare bureaucracies providing a service to Indigenous people when children's welfare departments have contributed to the need for these services in the first place. Litwin argues that Indigenous communities do not have a tradition of active involvement in child welfare policy, their response, based on past history, being one of suspicion and resistance. Thus the administration of the "self-determination" policy has required an ever-increasing level of government intervention. Indeed, she claims that even the attempt to make child welfare bureaucracies more attuned to Indigenous needs have been swamped by non-Indigenous culture and processes. She points out that it may be unrealistic to believe that the few Indigenous employees will be able to influence departmental policy and practice positively and that these workers are also faced with the conflict that they are working within a child welfare system which "has been implicated in the ongoing generation of profound social and cultural trauma for indigenous Australians" (Litwin 1997: 334).

Litwin (1997) argues that there has never been a major push by child welfare agencies to understand the nature of the differences between the Indigenous and non-Indigenous concepts of child care. The legacy of the past is still overshadowing present intentions in relation to Indigenous policy (Sweeney 1995). "Self-determination" is not precisely defined, nor are its implications in practice: how self-determination is to be negotiated, the constraints which may limit autonomy and how competing interests can be resolved (Litwin 1997). She argues that the power imbalance between the Indigenous community and welfare bureaucracies is "overwhelming". Without these major issues being addressed, and a clarification of where the Indigenous culture is expected to fit with the bureaucratic child welfare culture, "institutionalised racism" will continue (Litwin 1997: 337).

## Out of home care

Since the first white settlements, the provision of out-of-home care has oscillated between the housing of children in institutional settings and housing them in some form of family-based care, such as foster care (Tomison 2002). Australian State and Territory governments are still reflecting on the degree to which institutional care should be used under a system that has favoured family-based care for much of the past 40 years and where child abuse in institutions has recently received much attention.

The widespread shift to family-based care in non-Indigenous communities has been repeated in Indigenous communities, particularly after the acknowledgement of the damage caused by the widespread removal of Indigenous children as part of the "Stolen Generation" (HREOC 1997). The Aboriginal and Torres Strait Islander Child Placement Principle has now been adopted by all States and Territories as a cornerstone of Indigenous child welfare policy. This principle sets out the right for Indigenous children to be brought up in their own family. Where that is not possible, it gives guidance for alternative placements and continued family contact, and requirements for consultation with Indigenous agencies. Further, in New South Wales and Western Australia, child protection service protocols require that Aboriginal children are placed with an Aboriginal family (Ainsworth and Maluccio 1998).

The de-institutionalisation of Aboriginal and Torres Strait Islander children who are in need of out-of-home care has been further assisted by the development of Aboriginal and Islander Child Care Agencies who have played a leading advocacy and service provision role since the 1970s. Although there are approximately 30 agencies currently operating across Australia, the number of agencies has remained virtually static since the mid-1980s. Most of these are relatively small agencies with few staff and a role focused primarily on placing Indigenous children who have already been removed from home by State welfare authorities. Many Indigenous communities, particularly those in New South Wales, Western Australia and the Northern Territory, and/or those located in rural and remote areas, have little or no access to agencies to assist them with parenting, family support or dealing with child protection issues and authorities. However, behind the successes of the past two decades lies the ongoing failure to reduce the over-representation of Indigenous children in the care and protection system of each State and Territory (HREOC 1997; Cadd 2001; AIHW 2003).

In an assessment of the outcomes for Indigenous children in care in Queensland over a 15 year period, Ah Kee and Tilbury (1999) note some of the steps that have been taken to improve outcomes, such as research studies; worker training; the use of Indigenous community workers working

alongside front-line child protection staff; and a review of service delivery, that was developed in conjunction with Indigenous agencies. Yet, in spite of a concerted effort to try to make the Aboriginal and Torres Strait Islander Child Placement Principle work, Ah Kee and Tilbury reported that there has been little real improvement in outcomes for Indigenous children in care.

They conclude that progress has been limited because of: a failure to consistently reinforce the Placement Principle; tensions between the Department of Families (child protection department) and Indigenous agencies; a lack of quality practice evaluations; and a persistent lack of funding (Ah Kee and Tilbury 1999). It was noted that in Queensland, while approximately 10 per cent of all alternative care funding went to Indigenous agencies, Indigenous children constituted 25 per cent of all children in alternative care (Ah Kee and Tilbury 1999).

In Victoria, it was reported in a statewide review of out-of-home care services for Aboriginal children and young people, that there was still concern about the extent of the placement of Aboriginal children with non-Indigenous families (Practice Leadership Unit 2000). This trend was attributed to the small number of Aboriginal foster carers available; the difficulties child protection workers had in locating family members able to care for Aboriginal children and young people; and to an extent, requests from parents to have their child(ren) placed with non-Indigenous families (Practice Leadership Unit 2000).

Problems such as these add to the difficulties and complexities of protecting Indigenous children. The Department of Human Services, Victoria, has reviewed solutions to some of these difficulties in collaboration with the Victorian Aboriginal Child Care Agency (Jackson 2001). Possible solutions have revolved around modifications to the present system of child protection, such that only Indigenous child protection workers would work with Indigenous children and their families; the development of reciprocal training and consultation with Indigenous services; and better liaison with Indigenous services (Jackson 2001). Funding has also been provided to SNAICC to provide an Indigenous support worker for Indigenous children who have contact with child protection services.

There is an urgent need for significant resources to be made available to reverse the trends which suggest that violence is increasing, and to repair associated traumas. Unless significant steps are taken to repair the trauma experienced by Indigenous children who have experienced and witnessed violence and abuse, then it is likely that significant problems will occur, and be compounded, in the next generation.

## BARRIERS TO MAXIMISING SERVICE EFFECTIVENESS

A number of barriers to reducing the level of violence in Aboriginal communities have been identified. While some issues affect the provision of family support and child protection to both Indigenous and non-Indigenous communities, most of the barriers described below are particular to Indigenous communities, often arising from, and entwined with, the causal factors of family violence.

### Ongoing paternalism in government policy

It is generally recognised that past government policies were often misguided and paternalistic, being designed to “protect” or “assimilate” Indigenous people (Robertson 2000). The impact of these policies is that have they “damaged or destroyed social systems integral to the healthy functioning of their (Indigenous) society” (Robertson 2000:109). A major barrier to reducing Indigenous family violence relates to the fact that Indigenous child welfare policy is still based on the premise that the government should decide what is best for Indigenous people (Sweeney 1995). It is argued that, while many programs implemented by government are well-intentioned, they are not working because they are developed and implemented from a Western paradigm (Robertson 2000).

Robertson states that “Indigenous people can no longer live under a system that defies and inhibits autonomy and self-determination” (2000: xi). The report gives a clear message: “Indigenous Communities must be afforded the opportunity to be the architects of their own solutions . . . so that they can be active participants in initiatives that affect their lives, and not silent recipients” (p.195) . . . “the time is overdue for politicians and service providers to hear and acknowledge the voices of Indigenous people” (Robertson 2000: 111).



## The role of research

Increasingly over the past few years, Indigenous communities in Australia and overseas have expressed concerns about the ends to which research on Indigenous issues is directed and the means by which it is carried out (Mohammed 2000; Tuhiwai Smith 1999). For some Indigenous communities research has been viewed as an extension of colonisation where research is seen as “having someone come into the Community, pinch all this information and run away and people never hearing about it. A lot of people were feeling really quite exploited” (Anderson 2000: 9-10).

As a result of these concerns some Indigenous communities have argued strongly that research should involve their members from the beginning and that there should be clear protocols and guidelines governing research undertaken by outsiders (VicHealth Koori Research and Development Unit 2001).

These arguments have been translated into guidelines established by the National Health and Medical Research Council. The guidelines include the following statement:

“Members of the Aboriginal and Torres Strait Islander community being studied will be offered the opportunity to assist in the research and will be paid for the assistance and the funds to support that assistance are in the research budget. Specifically Aboriginal and Torres Strait Islander women, as advised by the community, will be involved when research deals with women’s or children’s health issues and the specific cultural and social needs of Aboriginal and Torres Strait Islander men will be similarly recognised” (National Health and Medical Research Council 1991: 6-8).

Some have noted the need to shift attention and resources away from re-assessments of the problems within Aboriginal communities, towards a focus on actual service development “on the ground”. In a February 2002 ATSIC Media Release, it was noted that:

“There have been far too many Government reports on Aboriginal Affairs which have been written and simply allowed to gather dust in a filing cabinet. Talk is cheap. It is time for action and we are calling on the State and Federal Governments to respond with enough financial resources to ensure we can adequately tackle domestic violence in our communities” (ATSIC 2002).

This view is held by other Indigenous commentators (for example, Robertson 2000). Fitzgerald states that while “communication between outsiders, including public officials, and the people in the communities is impeded by lack of interest, cultural barriers and justifiable resentment” (2001: 52), it is also being hampered by the constant outside research and debate about Indigenous lives “without any noticeable improvement in their circumstances” (2001: 52).

The Australian Government’s recognition of the need for greater emphasis on supporting service delivery, and to working (and researching) with Indigenous communities in a more constructive partnership approach, is demonstrated in aspects of the Stronger Families and Communities Strategy Stern (2002). In addition to funding a range of Indigenous community development projects, the Australian Government also funded the development of the Stronger Families Learning Exchange which began operation at the Australian Institute of Family Studies in 2002.

A key part of this unit is a team of researchers who are tasked with supporting and training community development project teams (Indigenous and non-Indigenous) to assist them to plan activities and to evaluate their work using action research principles. It is hoped that key outcomes of this process will include the development of a research partnership model that can be utilised more widely; in addition to developing a picture of the effectiveness of particular programs (and the reasons for their effectiveness).

## Worker trauma

Given the extent of family violence in Indigenous communities, it is likely that child protection workers and other service providers are experiencing trauma from their work (Stanley and Goddard 2002). Recently published research has shown that traumatised workers who also feel isolated in their work have a reduced ability to protect children who have been severely abused, from further abuse (Stanley and Goddard 2002).

This is a particular problem in Indigenous communities as the workers are often in personal danger as they live and work in the same community (Cripps, personal communication, 2002). Indigenous workers may also have to contend with the fact that an offender may be a member of their own family or a community Elder, and there may be conflicts of interest and confidentiality issues to resolve before any intervention or support can be undertaken (Memmott et al. 2001). Further, many workers are severely overworked and suffer from burnout, thus making them less able to cope with other forms of stress (Stanley and Goddard 2002; Memmott et al. 2001).

Another important issue relates to the training and support of Indigenous workers. For some time Aboriginal workers have been requesting further professional training and support from a range of government services. Unfortunately, this support has not always been forthcoming (Memmott et al. 2001).

### Welfare of the child versus welfare of the community

A major issue in child protection is the philosophical conflict between family preservation and the protection of a child. Preserving the family and protecting the child will not be compatible aims in some cases of child abuse, particularly for those where parent(s) or caregivers may be unable or unwilling to protect a child and where the maltreatment is severe (Goddard 1996).

It would seem that this problem is magnified in the situation of Indigenous children, where there is an additional overlay of complexity associated with the clash of two cultures – Indigenous and non-Indigenous. There can be a conflict between protecting Aboriginal children from abuse and allowing the Indigenous community cultural independence and self-determination. Thus, there may be conflict between “the best interests of the community” and “the best interests of the child” (Lynch 2001: 506).

This conflict is addressed by Lynch (2001), who describes the problem in relation to Australian Aboriginal Peoples and Canadian First Nation Peoples, and makes some suggestions as to how the issue should be viewed. Lynch argues that the “best interests of the child” principle is recognised in the United Nations Convention on the Rights of the Child, interpreted in a landmark case, *King v Low*, in Canada. Thus, “the dominant consideration to which all other factors must remain subordinate must be the welfare of the child” (2001: 507).

Yet to understand the best interests of an Indigenous child necessitates an exploration of the “fundamental links between culture and identity and the concomitant importance of family and community to the meaningful existence and survival of First Nations and Aboriginal children” (Lynch 2001: 508, 509).

The dominant court system individualises people, abstracting them from their family, cultural and racial contexts, in contrast to viewing children as part of a community identity – a perspective held in Indigenous culture. Thus conflict may arise as:

- responsibility for child welfare and nurturing in both First Nations and Aboriginal communities often resides with an extended family or kinship network and the community as a whole, not only with biological parents;
- mainstream law entails the notion of stability of residence, whereas Aboriginal communities may have a practice of moving children between responsible adults;
- there is a risk that in considering Aboriginal and First Nation culture, it will be “frozen” and conceived of in static terms relating to the origin of the cultures, traditions, norms and customs, rather than as a dynamic and fluid culture; and
- there is a problem that the culture will be “constructed” by non-Indigenous laws shaping and defining of it.

Thus, there is a risk that much contemporary child welfare law and practice is actually “assimilation in a veiled guise” as the values of the dominant group are imposed on First Nations and Aboriginal peoples (Lynch 2001: 523).

Lynch believes that an Indigenous child’s need for safety and security should generally override concerns for the preservation of cultural links, affiliation and identity. “Relationships that damage

the integrity of a child cannot be justified by a child's identity interests: membership in a community, or involvement in identity-related practices or beliefs, does not eliminate a concern for the dignity of the child" (Lynch 2001: 523).

However, once a child has been removed, the child must be placed back with the family as soon as possible when that will not negatively impact on the minimum level of protection and care for the child.

According to Lynch, assessing the best interests of Indigenous children and their communities involves:

- ***Consideration of the best interests of a First Nations or Aboriginal child in his or her community and culture and the rights and interests of the community.*** Lynch notes that recent legislative amendments in both Australia and Canada go some way towards satisfying this requirement. However, Lynch argues that these changes do not go far enough and should go beyond the "consideration" of how Aboriginality may be relevant to a custody, placement or care determination. Aboriginality should be considered peremptory or presumptive and should include (as with the Canadian states of Alberta and Quebec) not only the rights and interests of a First Nations or Aboriginal child in his or her community, but also the rights and interests of a First Nations or Aboriginal community in its children. United States legislation in relation to Native American child welfare requires "meaningful recognition and application of the rights and interests of an Indian child in his or her community, and vice versa" (Lynch 2001: 537). Thus, usually the First Nations or Aboriginal community itself will be best positioned to determine whether a child has been neglected. Placement of a First Nations or Aboriginal child should take place only on the advice, recommendation and instruction of that child's Indigenous community.
- ***Sensitivity to customary traditions, laws and practices.*** Where Indigenous communities are involved, they need to be funded and equipped to properly attract, assess and train alternative Indigenous carers (Lynch 2001). Kline (1992: 216, as cited in Lynch 2001) notes that Indigenous communities must "be empowered, financially, politically, and otherwise, to develop their own child welfare services outside the framework of existing . . . schemes".
- ***Application of the Indigenous Child Placement Principle.*** As noted above, the Child Placement Principle is now commonly used to govern the placement of Indigenous children away from their biological parents. However, for the Principle to be an effective means of governing the placement of Indigenous children, Indigenous communities (or designated Indigenous service bodies) need to be given the authority to first, define who they view as extended family for the purpose of a child placement, and second, the authority to act in relation to placement applications.
- ***Addressing underlying causes of child maltreatment in Indigenous communities, including the broader social, economic, political, historical and cultural issues.*** A major risk associated with the failure to reconcile or recognise the potential conflict between the wellbeing of the child and the right to Indigenous self-determination is that the child may not receive adequate protection to ensure his or her safety. There is some evidence that this may be happening. The legacy of past mistakes by child protection services appears to be sometimes leading to a present fear of child protection staff/departments to take action to intervene when a child is at risk of harm. There appears to be a fear of the community's reactions and confusion about what action (or inaction) is in the best interests of Indigenous children.

This conclusion is supported by a recent statewide review of out-of-home care services for Aboriginal children and young people in Victoria (Practice Leadership Unit 2000) (and highlighted in a number of media articles). The review identified a practice of minimising statutory involvements by Department of Human Services Protective Services in cases where intervention was/is required to avoid significant harm to Aboriginal children.

Muriel Cadd, the current Chairperson of SNAICC, has also noted that little intervention is being taken at present in the Northern Territory in relation to the neglect of Indigenous children (personal communication, 2002). Sutton (2001) also expresses the view that in Australia at present there is evidence of the conflict between child welfare and Indigenous rights to self-determination. He states that "more neglect is tolerated for some Australian children than for others, notably Aboriginal children in the more isolated settlements" (2001: 141).

A number of suggestions have been proposed to address the high levels of Indigenous family violence, and consequently, the disproportionate number of Indigenous children who are maltreated and involved with child protection services. The proposals range from a complete re-writing of the model of child protection used with Indigenous communities, to specific suggestions about best practice intervention. The underlying theme throughout the literature is the need for greater involvement and ownership by Indigenous community members of child protection/anti-violence policy, program design and implementation. The only variation across the literature relates to the extent of the involvement.

### Child protection – a radical policy change

Indigenous child rearing practices, particularly those maintained by the more remote communities, have many different characteristics from those in the non-Indigenous community, an issue about which the non-Indigenous community is just beginning to learn (Priest 2002). A failure to be cognisant of these and to take them into account in child protection practice is likely to provide a service which doesn't meet the needs of Indigenous children and families. In addition to the great need for services to be available, many commentators argue for radical change in relation to the provision of child protection services within the Indigenous community, although the precise nature of this change varies. Cunneen and Libesman (2000), and Sweeney (1995), argue for a complete revision of child protection services in relation to Indigenous Australians, while others recommend fairly radical legislative changes.

Sweeney (1995) draws on the report, "Learning from the Past", which was commissioned by the NSW Department of Community Services and prepared by the Gungil Jindibhah Centre at Southern Cross University (undated), which argues for a greater focus in State policies on the concepts of collaboration and empowerment. In "Learning from the Past" it is recommended that counselling services and measures to reunify Indigenous families should be undertaken by independent Indigenous organisations, and that the role of the child protection departments should be limited to funding and referral (Sweeney 1995).

However, Sweeney believes that the recommendations of the report do not go far enough. He believes that control and responsibility for Indigenous child welfare need to be passed to the Indigenous community, a position supported by the authors of this paper (see Stanley, Kovacs, Cripps and Tomison 2002). Sweeney doubts whether the child protection system is capable of real change, without this process. There are overseas precedents for this approach, although a determination of their effectiveness requires further examination (Cunneen and Libesman 2002).

Sweeney (1995) also makes the recommendation that there should be an holistic approach by the government in relation to Indigenous children which coordinates all areas of child welfare, including the services of child protection, adoption, juvenile justice, custody and education. He argues for a broader approach which examines issues such as:

- the need to reduce the number of Indigenous children removed from their families;
- the need to ensure that cultural factors are considered in all decision-making stages;
- the need for children who have been removed from their family to have the maximum possible contact with the community; and
- the need for communities to have involvement in all post-removal decisions.

The report on the Inquiry "Bringing them Home" recommended that new legislation be enacted, based on self-determination by Indigenous people, where far greater control over matters affecting young people would be given to the Indigenous community (Cunneen and Libesman 2000). Cunneen and Libesman (2000) report that it was recommended by the Inquiry that the Australian government establish negotiations to allow Indigenous people to formulate and negotiate an agreement, leading to legislation, on measures best suited to their needs.

The Inquiry also recommended that legislation set out minimum standards as a basis for future developments in relation to Indigenous children. However, such legislative and policy change is a state

responsibility and, according to Cunneen and Libesman (2000), there has been no indication that State or Territory governments will move towards law reform in order to transfer power to Indigenous communities. It should also be noted that it is likely that there will be considerable difficulties associated with locating (or developing) an Indigenous agency to undertake the task of protection.

## Service delivery principles and needs

The literature offers a number of “best practice” suggestions for intervention into family violence in Indigenous communities. It is argued that prevention services are a vital part of a total package of responses, rather than being seen as “either/or” services. One has only to observe the recent history of child protection in Australia to conclude that statutory intervention without a wider family support and preventative service network is highly unlikely to produce positive outcomes for children, families and communities (Tomison 2002).

It is commonly reported in the literature that effective intervention into family violence needs to address both the past traumas and present situational problems and health disadvantages of Indigenous communities. Almost without exception the literature notes the need for inclusion/participation of the local community. Commentators provide a range of broad principles as a basis for all service provision in the Indigenous community. Many of these principles relate to themes commonly repeated by the various authors.

Building on the tenets laid down by Sweeney (1995), Blagg (2000) provides a summary of some of the intervention service models that may be effective in reducing violence. The author believes that the following broad principles need to be considered when planning services: participation; ownership/self-determination; infrastructure (training and education); and support services to support child protection function.

Fitzgerald (2001: 35) identifies four themes which he recommends should guide a reform agenda. These are: strengthening of individual family and community capacity; creating safe environments; building sustainable environments; and re-orienting service delivery “to ensure that services are technically competent, coordinated, integrated, flexible and accessible”.

While there has been a lot of criticism of existing intervention models into family violence (Blagg 2000), few fully developed alternative models have been produced for Australian communities. Blagg (2000) notes that the literature supports models of intervention that:

- are tailored to meet the needs of specific localities;
- are based on community development principles of empowerment;
- are linked to initiatives on health, alcohol abuse and similar problems in a holistic manner;
- employ local people where feasible;
- respect traditional law and customs where appropriate;
- employ a multidisciplinary approach;
- focus on partnership between agencies and community groups;
- add value to existing community structures where possible;
- place greater stress on the need to work with men; and
- place more emphasis on intervention that maintains family relationships and healing.

“The Aboriginal and Torres Strait Islander Women’s Task Force on Violence Report” emphasises the need for the inter-linking of services to address the multiple forms of violence in the communities, the need to meet the need for healing and the need to be flexible in approach (Robertson 2000). Multi-service delivery centres must be established to provide a coordinated service for alcohol and drug addiction, family violence, sexual assault, grief counselling, advocacy for women, child counselling and support groups for men (Robertson 2000). Aboriginal communities have the notion of “healing”, which describes a dynamic and unfolding process of individual and collective problem-solving.

The report recommends some “best practice” principles for programs which need to:

- “build on skills of people at Community levels and promote open Community discussion;
- be based on the belief and practice that any form of violence is unacceptable;



- include protocols and guidelines for service delivery, and for the behaviour of staff;
- establish the safety of victims of violence as a first priority in protocols;
- include trained, skilled workers;
- provide sound, appropriate training for workers;
- network across agencies - coordinate between services and agencies, including police;
- empower people for personal and Community change;
- inform and help people who have been victimised so that they do not remain victims;
- build on a partnership between men and women who are involved in increasing the knowledge and skills of the Community;
- proactively direct crime prevention strategies; and
- ensure the appropriate application of domestic violence/sexual assault legislation" (Robertson 2000: 120-121).

A number of specific suggestions are made by the commentators, including those outlined below.

### The need for services to address alcohol abuse

The need for services to address alcohol abuse is often mentioned in the literature, given its association with family violence and social dysfunction. Robertson (2000: 30) notes that in isolated rural and remote areas services to treat alcoholism can only be described as "inadequate and pitiful". She suggests that the isolation of some Aboriginal communities would assist in the surveillance of the provision of alcohol, making it easier to undertake road checks of vehicles and people entering communities. A number of other recommendations in relation to addressing alcohol abuse can be seen in the Robertson Report.

### Changes to the law

The integration between Aboriginal and mainstream law is an issue that in recent times has received some attention. There have been a few instances of community groups developing trials and programs as an alternative to sentencing options for lesser offences (Robertson 2000). It would appear that the ability to offer an alternative to the criminal justice system, such as a system which returns to traditional Indigenous laws, would address issues around a failure to acknowledge violence due to issues of shame and the loss of confidence in present government agencies and processes. Such moves would also address Aboriginal and Torres Strait Islander communities, many of whom have a clear preference for change strategies that do not require the violent offender to leave the family (Blagg 2000).

Further, as noted above, a number of jurisdictions have considered (or have developed) specialist court processes for Indigenous communities (for example, Freiberg 2001). These have arisen from a desire to provide a therapeutic response, where the aim is to rehabilitate or to improve the psychological functioning and emotional wellbeing of those affected, not just to punish (Winick 2000, as cited by Freiberg 2001).

Finally, Fitzgerald (2001) reports that Indigenous communities are currently exploring new approaches to family violence that are based on customary law practices and principles of restorative justice, much information regarding the latter coming from New Zealand. Nicholson (1995) believes that a Federal Act should be created, which is applicable to all States and Territories, which recognises Aboriginal customary law. He goes on to say that "little or no progress will be made" unless the Australian government is prepared to act. It would appear that Western Australia is making some concessions towards this model. For example, it is reported that Justice Carmel McLure in the Western Australian Supreme Court gave a lighter sentence to an Indigenous man as he had already been subjected to a tribal punishment, spearing in the legs and thighs (Kappelle 2002). The Western Australian Government is undertaking a review with the Law Reform Commission of how Aboriginal customary law can operate within the bounds of the mainstream legal system (Moncrieff 2001).

### Education and training

The need to enhance accessibility and cultural appropriateness for services aiming to work with Aboriginal and Torres Strait Islander communities has been recognised by government and non-government sectors,

with some attempts being made to remedy the situation (Tomison and Poole 2000). One of the main responses has been to enhance the education and training of workers, an area where a large number of “gaps” or needs have been identified.

As one approach to meet the need for further professional support of Indigenous workers, the Australian Government has, as part of the National Rural Health Strategy (Department of Health and Aged Care 1996), funded initiatives that support the funding and training of Aboriginal health education officers, and other means of increasing Aboriginal and Torres Strait Islander involvement in the delivery of culturally-appropriate services and in the management of health services. The Government has also undertaken to accelerate the development of education programs for Aboriginal health workers, and to pilot various service delivery models to encourage and support nurses and Aboriginal and Torres Strait Islander health workers operating in rural and remote areas that are under-supplied with medical services. Such strategies have been supplemented by the encouragement of Indigenous management (ownership) of community-based support services for Indigenous communities (Tomison and Poole 2000).

Despite such efforts, and some programs that place Indigenous workers in mainstream services as a means of accessing training and skill development, demand remains high for more trained Indigenous workers. In addition, there is need to develop a strong training program for Indigenous people already working as volunteers or community-based professionals. In addition to broad-based education around children’s health and development, educational needs, the prevention of violence and the provision of family support, Robertson (2000) identified the need for specific education on alcohol and drugs and offender rehabilitation. SNAICC (1996) has advocated for the establishment of a community-controlled Aboriginal child and family resource centre or “hub” for the gathering of information and to develop and run culturally appropriate training and education programs.

Finally, given the relative dearth of culturally appropriate programs, there is also a need to provide training in cultural awareness, (provided by skilled Indigenous facilitators), for non-Indigenous professionals working with Aboriginal and Torres Strait Islander communities. Thus, when not able to access Indigenous services, community members may be able to access non-Indigenous services better tailored to meet their needs.

## Program evaluation and research

Another commonly raised recommendation is the need to evaluate programs and services effectively: “All services must have built-in evaluation, measurable positive outcomes and accountability” (Robertson 2000: 119). Yet as noted above, it is very difficult to gain an accurate picture of programs that attempt to prevent or address child abuse and neglect in Aboriginal and Islander communities, let alone to develop “best practice” standards for service provision.

Best practice should be developed at a national level to define the principles of service delivery on matters of family violence in Aboriginal and Torres Strait Islander Communities across Australia. It was reported in *The Koori Mail* that Reconciliation Australia supported public debate on the issue of Indigenous family violence, but felt that it was more important for the debate to be centred on the identification of best practice models of Indigenous family violence programs that are already working in Indigenous communities: “Communities struggling with the issue need guidance on what works and what doesn’t. Solutions must be community-driven, and best practice examples of community programs and initiatives would greatly assist” (Anonymous, *The Koori Mail*, 20 March 2002).

The present state of the evidence base is poor. Sutton (2001: 143) reported that of 130 remedial violence programs operating in Indigenous communities in the 1990s (identified by Memmott et al. 2001), only six programs had undergone a “reasonable evaluation that was in a documented form”. This pattern is very much a reflection of the wider professional community’s failure to come to grips with program evaluation, as well as a lack of funding (Tomison and Poole 2000).

In order to undertake effective evaluation of service provision in Indigenous communities, and to ensure that research is relevant for the communities themselves, there is a requirement for an increased understanding and accommodation of an Indigenous cultural perspective. Further, there is a need to acknowledge Indigenous people’s history of being “researched on”, and to develop culturally appropriate

collaborative partnerships, where Indigenous communities have a share of the ownership of the research (and service provision) process. The work of the Stronger Families Learning Exchange (see above) provides one research model that has enacted such principles of “researching together”.

### ***The causes of abuse***

While there are many reports which cover the territory of family violence in a broad way, there is little specific research on child abuse within Indigenous families. Cadd, the Chairperson of SNAICC, believes that this gap is present partly because there is no person or organisation in Australia who takes special responsibility for the welfare of Indigenous children. In developing the “Proposed Plan of Action for the Prevention of Child Abuse and Neglect in Aboriginal Communities” for the Australian Government (SNAICC 1996), SNAICC placed high priority on the need for more research on child sexual abuse in Aboriginal communities.

In particular, there is a need to develop a greater understanding of the association between violence in Indigenous communities and the impact of race, gender and age, within a post-colonial context. “Without these considerations, poorly researched and prepared programs often create more problems than they solve” (Robertson 2000: 46). More specifically, one “critical need” (Zubrick et al. 2000: 573) that has been identified as a research priority, is to assess the mental health needs of Indigenous people (given the association with family violence), an area which has largely been ignored by mental health professionals (Sanders and Markie-Dadds 1996).

### **Communities taking responsibility**

In developing solutions, the focus should not be on attributing blame. Pearson (2000: 19) notes that: “People are caught in an economic and social system which precipitated this misery. But it is a matter of responsibility. Our people as individuals must face their responsibility for the state of our society – for respect and upholding our true values and relationships. Our own laws and customs.”

This argument is supported by Ah Kit (2002:15), who notes that “Aboriginal organisations must bite the bullet and develop innovative strategies to overcome the cancerous ideology of despair.” One measure to take responsibility is a 21-member National Indigenous Working Group on Violence which is presently being convened by the Aboriginal and Torres Strait Islander Commission (ATSIC 2002).

As well as the Indigenous community taking responsibility, there is a need to involve the broader community in regional summits between Aboriginal groups, the government, Community Councils, mining companies and private businesses and to develop strategies and objectives for the social and economic developmental needs of Aboriginal communities (Robertson 2000). There is growing support for governments to promote small business enterprises in Aboriginal communities (Robertson 2000).

## **CONCLUSIONS**

It is apparent from this overview of the existing literature that the issue of child abuse and neglect in Australian Indigenous communities is a particularly serious one. It appears so severe that it is highly likely that another generation of Indigenous people will be scarred by this present trauma.

While it is hard to get a clear picture of the extent of present disadvantage of Aboriginal people, certainly some communities appear to exist in a “toxic” environment (Garbarino 1995). The present level of socio-economic disadvantage in many Indigenous communities not only risks creating trauma and therefore powerlessness in community members, it can be seen as a denial of basic human rights, as child abuse in itself. Any long-term, significant improvement in this situation will therefore require a large-scale response, taking courage to address the problem, funding and resources, and large-scale attitude and philosophical changes.

However, while there are a number of exceptions, the response to this problem by both Indigenous and non-Indigenous people can largely be characterised as a failure to act decisively. A search of the literature and other sources suggests that there are very few programs presently operating to address child abuse and neglect in Indigenous communities. Further, from the little evidence available, it appears that the initiatives developed to address child abuse and neglect tend to be “ad hoc”,

uncoordinated, short-term and not evaluated for effectiveness, thus providing only limited opportunities for knowledge growth and development.

The reasons for this appear to be multifaceted. They include a reluctance by authorities to face the full magnitude of the problem, and an inability to understand what action to take (hindered by a lack of information as to what approaches will be effective in combating child maltreatment in Indigenous communities). In many communities there is failure to meet basic infrastructure needs, as well as an absence of key services, such as substance abuse and family support programs. In other areas, the services that are available are unable to provide an adequate service to Indigenous peoples.

While there is an increasing recognition of the need for Indigenous people to be empowered and lead decision-making, many attempts to facilitate this take the form of minor adjustments to the present systems, which remain within the dominant mainstream culture. "Conventional individualistic responses to child protection" have not been found to be successful in either Australia or overseas. What appears to be required is a community-based, holistic response (Cunneen and Libesman 2002). This will require a paradigm change where Indigenous people are given, and take, the primary responsibility for preventing violence and protecting their children. In the words of Ah Kit, the Northern Territory Minister assisting the Chief Minister on Indigenous Affairs in the NT: "The government, in partnership with Aboriginal people, must allow the development of forms of governance that allow Aborigines the power to control their lives and communities" (2002: 15).

However, this will only be successfully achieved with support and training provided by statutory child protection services and the provision of funding and resources, which are generous and long-term, to the communities.

There are significant knowledge gaps about the causes and nature of child abuse and neglect in Indigenous communities. The critical need for better quality evaluation of programs in order to base future service delivery and development on evidence of what works, has been noted. Other important areas for future research include determining the extent of child abuse and neglect across all Indigenous communities, and identifying whether it is concentrated in particular communities or is more common in urban, rural or isolated Indigenous communities. For example, few studies appear to examine child abuse and neglect within Indigenous communities in urban areas. Similarly, further exploration is required on the distribution of other forms of violence, and the association with substance abuse within Indigenous populations.

However, it is important that the problems of the past, where Indigenous communities were "researched on" by non-Indigenous researchers, do not recur. It is therefore vital that attempts are made to work in collaboration with Indigenous communities, where they have co-ownership of research, to involve them actively in culturally appropriate research processes and, where possible, train and support Indigenous researchers.

Finally, it has been noted in other National Child Protection Clearinghouse publications (Tomison and Poole 2000, for example) that there is a need to give children and young people a voice when exploring issues of violence and developing solutions. From the current literature, Indigenous youth and children appear to have no voice. Given that the participation of Indigenous people in decision-making on issues that affect their communities is a relatively recent development, this is not surprising, but it is an area where further work is required.

In an address to the National Press Club, Mick Dodson (2003: 8) stated that "violence is devastating our communities and destroying our futures". This paper provides an overview of many aspects relating to the issue of child abuse and neglect of Indigenous Australian children.

While there is an urgent need to understand the issues further, action needs to be taken now while further knowledge is gathered. It is clear that Indigenous people need to provide the answers. They can only do this if they are granted power in the form of resources, support, information and where necessary, legislative change. It is hoped that the recent meetings of Indigenous leaders with the Prime Minister will make a significant step towards this end (Prime Minister 2003). The healing process "requires individual, family, community, state and federal governments to commit to working collaboratively against violence and to place these issues at the top of the policy agenda as a national priority" (Dodson 2003:8).

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