

Child Abuse and Neglect in Indigenous Communities
- Background Issues and Options for Reform

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1.0 Development of Indigenous community based child welfare services

Historical context - the forced removal of Aboriginal and Torres Strait Islander children

Since the earliest days of colonisation Aboriginal and Torres Strait Islander peoples were subjected to harsh, discriminatory, racist and profoundly damaging policies of state intervention into the lives of their families (HREOC 1997a, Austin 1993, Butler 1993b). Throughout the nineteenth and most of the twentieth century control and forcible removal of children from their families became the dominating intervention in child welfare practice, often motivated by the desire to eliminate Aboriginal and Torres Strait Islander people by preventing their children from being raised as Aboriginal or Torres Strait Islander (Cummings 1990, Briskman 2001, Van Krieken 1991). These policies and practices gave rise to what has become known as the *Stolen Generations* with calls for a national apology and compensation to those affected featuring as prominent political issues in recent years (HREOC 1997a, Ridgeway 2001).

Child removal and the economic, social and political segregation of Aboriginal people throughout Australia, for a period of a hundred years or more, laid the foundations for the unemployment, poverty, homelessness, poor educational access and family dysfunction which Indigenous people experience today. Arrangements for the welfare of Indigenous children today need to recognise the racism, abuse, violence and cruelty which has been practiced against them in the past. When we fail to recognise how the past lives on we allow the injustice of the past to continue.

Protection Policies and Child Removal

The book *I can see the old home so clearly* provides a detailed account of the Commonwealth Government's Aboriginal protection policies, which authorised the removal of Aboriginal children of mixed descent from their families throughout the Northern Territory in the first half of the 20th century. (Austin 1993)

The 1909 *Northern Territory Aboriginals Act*, established a legal hierarchy of races: Europeans, Asians, Aborigines of mixed descent and other Aborigines and provided for the removal of Aboriginal children from their families. The legislation did not differentiate between Aborigines and 'half-castes' and, under the legislation, the Chief Protector of Aboriginals was made the legal guardian of every Aboriginal child regardless of their circumstances. Within designated areas local protectors were appointed as the local guardians of children with these positions usually filled by members of the Police force (Austin 1993, page 37).

Barbara Cummings in her book, *Take this child: From the Kahlin Compound to the Retta Dixon Children's Home*, provides an equally detailed account of the protection period but from the perspective of an Aboriginal woman whose mother had been removed as a child. She outlines the development of the Aborigines Inland Mission, (AIM), the establishment of compounds, reserves and missions for the control of Aboriginal people and the relationship between legislators and missionaries in giving effect to policies of child removal.

Policies of forced removal and detention were applied in all States and Territories and were applied to whole communities - not just children.

In 1911 the site for the Kahlin compound in which all of Darwin's Aboriginal people would be forced to live was chosen and in 1913 a 'half-caste' home was opened within Kahlin compound for children and, in the same year, a tin shed infamously known as the Bungalow, was erected in Alice Springs to house 'half-caste' children from in and around Alice Springs (MacDonald 1995).

In the early part of the twentieth century church and government missions or reserves were opened and operated in every State and Territory. Conditions in the missions, reserves and compounds were harsh and

children were only to be trained for domestic, pastoral and low skilled areas of employment. This was consistent with the racist belief that Aboriginal people, mixed descent or not, were not capable of anything more, and conveniently corresponded to fulfilling the economic needs of the colonial State for these forms of labour (Cummings 1990, HREOC 1997)

The interference, intervention and control over the lives of Aboriginal people implemented through legislation and ordinances extended to curfews, restrictions on movement, restrictions on marriage, censoring what films and literature Aboriginal people could access, exclusion from school and exclusion from employment.

Indigenous claims over the welfare of their children

Critical to the elevation of these issues to national prominence has been the work of Indigenous people through mechanisms including the national peak advocacy body for Aboriginal and Torres Strait Islander children and families, SNAICC, the Secretariat of National Aboriginal and Islander Child Care (Briskman, 2001).

In 1991 SNAICC became the first national Indigenous organisation to demand a national inquiry into the *Stolen Generations*. Following a campaign of sustained advocacy from SNAICC and others, in 1995 the Commonwealth Attorney General established the terms of reference for a national inquiry to be conducted by the Human Rights and Equal Opportunity Commission, HREOC. The report of that inquiry, *Bringing Them Home*, concluded that;

between one in three and one in ten Indigenous children were forcibly removed from their families and communities between 1910 and 1970. (HREOC 1997b, page 4)

SNAICC's current advocacy forms part of a long struggle by Aboriginal and Torres Strait Islander families and communities to regain control over the destiny of their children. The issue of Aboriginal children's rights was prominent in the demands of the first Aboriginal political organisations in the nineteen-twenties.

In 1927 the New South Wales based Australian Aboriginal Progressive Association sent the NSW Premier a petition which called on the Government to,

"..restore to us that share of our country of which we should never have been deprived"

and requested that,

" The family life of the Aboriginal people shall be held sacred and free from invasion and that the children shall be left in the control of their parents." (Goodall, 1982 as cited by Briskman, 2001)

In 1938, Bill Ferguson and J. T. Patten signed a declaration calling for the abolition of the Aboriginal Protection Board and the,

"repeal of all existing legislation dealing with Aborigines".

Amongst other reasons for this call, they mentioned the Boards' powers to apprentice children and to;

"assume full control and custody of the child of any Aborigine (Goodall, 1982as cited by Briskman, 2001)".

The fourth term of reference of the HREOC inquiry was to examine the contemporary removal of Indigenous children. Aboriginal and Torres Strait Islander children are still far more likely to be removed from their families than non Indigenous children through the child protection systems of Australia's states and

territories (AIHW 2001). In the past ten years this continued over representation of Aboriginal and Torres Strait Islander children in the child welfare system has been formally recorded by the Australian Institute of Health and Welfare, AIHW (Johnstone, 2000). The removal of Indigenous children from their families continues at an alarming rate with many still being placed with non Indigenous foster families. The AIHW note that nationally Aboriginal and Torres Strait Islander children are approximately six times more likely to be removed from home for welfare related reasons than non-Indigenous children (AIHW 2001).

SNAICC in a submission to a 2000 Senate Inquiry into the response of governments to the *Bringing Them Home* report argued that story of the Stolen Generations is far from over:

“ The grief and anguish of being removed as a child is perhaps only matched by the grief and anguish of then having your own children removed later in life. Yet all too often this is the way in which we as a nation respond to the Stolen Generations; we take their children away too.

“(SNAICC, 2000)

With the ongoing removal of Indigenous children from their families for welfare related reasons continuing at six times the rate of other Australian children the debilitating effects of family breakdown and separation are likely to continue into the next generation.

Establishment of the first Aboriginal community based child welfare services

In the early 1970's Aboriginal and Torres Strait Islander communities stepped up their calls for the often harsh and intrusive child welfare policy and practices of State welfare authorities to be replaced by systems of Indigenous control. Specifically Aboriginal and Torres Strait Islander communities called for the establishment of national legislation to protect the rights of their children, for the recognition and funding of Indigenous community controlled child welfare organisations to assume responsibility for the child protection functions carried out by State Governments and for the establishment of a national body focussed on Aboriginal and Torres Strait Islander children (Briskman 2001).

The development of the first Aboriginal Child Care Agencies was initially supported by the Fraser Government with assistance including an Aboriginal Study Grant for a study trip to the United States for Mollie Dyer from the Victorian Aboriginal Legal Service (Briskman 2001).

Inspired by the success of Native Americans, and in particular the Yakima Indian Nation, in establishing distinct Indian Child Welfare legislation and in reducing the rate of child removal, Mollie returned to Australia to establish the Victorian Aboriginal Child Care Agency, VACCA. Similar developments were occurring in other parts of Australia with Aboriginal Child Care Agencies established in NSW and South Australia in the same period. VACCA the South Australia ACCA and NSW Aboriginal Children's Services became a source of inspiration and support for the establishment of similar agencies in other States and Territories.

By 1979 these agencies, most at the time still operating as voluntary associations, had decided to develop a national organisation to represent and pursue the rights, needs and aspirations of Aboriginal and Torres Strait Islander families and children.

The First Aboriginal Child Survival Seminar

In 1979 the Victorian Aboriginal Child Care Agency, VACCA, convened the First Aboriginal Child Survival Seminar, in Melbourne. The seminar is now recognised as one of the most significant milestones in the development of Indigenous community controlled organisations to promote the welfare of Aboriginal and Torres Strait Islander children.

At the time the then Victorian Minister for Community Services, the Hon Brian Dixon, referred to the seminar at a meeting of all Welfare Ministers stating that;

“ All of us, as Welfare Ministers, are from time to time criticised in the media in terms of the resources that we can make available for personal welfare services: but if ever a group required even more positive discrimination, it is the Aborigines. I think that this national conference, which is the 23rd to 26th in April in Melbourne, is going to present some pretty terrifying statistics. I just hope we are ready for what is going to occur and that we have some understanding of the sort of extra resources that we need. (Jackson, 1979)

Key themes which were discussed included:

- Aboriginal adoption and foster care
- Juvenile justice and child welfare
- The health and development of Aboriginal children
- Aboriginal community development
- The Native American situation and Indian Child Welfare act
- Expansion of Aboriginal Child Care Agencies to cover all communities in all States and Territories
- Differing needs of rural and urban based Aboriginal communities
- The need for Commonwealth Government agencies to work more directly with Aboriginal communities to assist them to develop children’s services and family support programs.

According to the written proceedings of the seminar,

“ The desire of both black and white participants at the Seminar to develop a co-operative relationships which ensured the autonomy of Aboriginal organisations, underlay the discussions (Jackson, 1979). ”

This spirit of co-operation, shared responsibility and the movement towards self determination were seen as the foundations of the Victorian Aboriginal Child Care Agency, formed in February 1976. Whilst the early initiatives carried out by VACCA was referred to as,

“milestones in the practice of welfare, transcending the previous attempts of white welfare agencies to come to terms with the problems they have known to exist for years. This is a far cry from the days when Federal Welfare administrators pursued a paternalistic policy in welfare issues, bleeding Aboriginal people of their self respect and placing them in a position of dependency with the cynical belief that white people ‘know best’ (Jackson, 1979).”

In a workshop on Aboriginal Community Involvement the seminar recommended that the development of Aboriginal Child Care Agencies continue to be supported, with agencies to be directly funded and with the number and scope of agencies to be expanded to ensure state wide coverage in all States and Territories.

Significantly it recommended that these agencies be focused broadly on family support and primary prevention of family breakdown.

There was a shared concern for the survival of Aboriginal children and families given the high rates of family breakdown and institutionalisation of Aboriginal and Torres Strait Islander children. The seminar heard reports of the massive over representation of Aboriginal and Torres Strait Islander children in the welfare system including that in:

Victoria:

The number of Aboriginal Wards in the State of Victoria as at September 1977 was 504 or just over 4% of all Aboriginal children with the rate of admission to care for Aboriginal children reported as being 26 times the rate for non Aboriginal children. It was also noted that 70% of Aboriginal juvenile offenders in Victoria had spent the majority of their childhood in institutions.

South Australia

A study of Aboriginal people in urban areas had found that upto half of all Aboriginal children aged between 10 and 19 had spent some time in isolation from their families or kin. Between 1974 and 1977 30 % of all children in care in South Australia were Aboriginal with the majority placed with white foster parents.

Queensland

In Queensland it was noted that the Government refused to record the Aboriginality of children in the juvenile justice or child welfare systems. However a 1975 report by the Aboriginal and Islander Legal service noted that in 1970 25% of children in child welfare institutions were Aboriginal with Aboriginal and Islander children making up 30% of all children under state wardship. This report was mirrored by an academic study by the University of Queensland which found that Aboriginal and Islander children made up 30% of children in care and control of institutions but only 2% of the total population of children in Queensland.

New South Wales

20% of all Aboriginal children were reported to be wards of the State and living away from their families in the care of the State.

Western Australia

The WA State Welfare Department Annual report for 1978 noted that there were 1,717 under the care of the State whilst one in three Aboriginal families had at least one child in state care compared to only one in thirty four white families. In 1975 a WA Department of Education report noted that 15% of Aboriginal children attending school were living in state institutions.

Northern Territory

It was reported to the seminar that over 25% of Aboriginal children in the NT were under the control of the State Welfare System.

The seminar recommended that government funding include support for professional development, staff training, management support and financial administration and program development to ensure services were not set up to fail.

“ Failure is ensured when funding is inadequate, and there is no backup in the initial stages let alone when it is required through two or three years in the development of that service.... The Departments tend to say, ‘ Here is the money - go and do something with it.’ and when the results aren’t all that productive they say, ‘ Oh well, what would you expect from Aboriginal people, they really don’t know how to handle money, they don’t know how to set up programs (Jackson, 1979).“

The seminar also recommended that a national committee be established with Commonwealth funding to pursue the outcomes from the seminar with the resources to coordinate and facilitate the development of Aboriginal Child Care Agencies across all States and Territories.

SNAICC was formally established in 1981 in response to this recommendation although without the level of resources required to drive the development of Indigenous child welfare agencies across all states and territories.

The First Aboriginal Child Survival Seminar was an event which marked a turning point in the application of child welfare policy and practice to Aboriginal and Torres Strait Islander families. It was attended by over 200 delegates representing Aboriginal communities from across Australia and senior policy staff from State, Territory and Commonwealth agencies. Significantly the seminar called for the focus of child welfare interventions to move from child removal to family support - a policy shift which 20 years later is gaining greater prominence within the child welfare literature as long overdue (Carter 1983, Scott 2000, Tomison & Wise 1999, Wise 2001).

Achievements in the past two decades

There has been significant progress and improvements in relation to the welfare of Indigenous children and families over the past twenty years. The development of AICCA's and their advocacy and service provision has seen the de-institutionalisation of Aboriginal and Torres Strait Islander children in need of alternative care. Over the past two decades home based systems for providing alternative care have developed to replace institutional care. In addition through the advocacy of AICCA's and SNAICC the Aboriginal Child Placement Principle has now been adopted by all States and Territories as a cornerstone of Indigenous child welfare policy.

The late 1970's and early 1980's saw Aboriginal and Islander Child Care Agencies quickly established in most States and Territories. These organisations soon displayed the capacity to work more holistically with families than State authorities, achieved success in reducing the rates of child removal and secured the development of the Aboriginal Child Placement Principle, (under which children removed from home were to be placed with extended family and kept within their Indigenous community). This represented a complete reversal of earlier policies of forced child removal and placement with non-Indigenous families with the intention of destroying Aboriginal and Torres Strait Islander culture.

Behind the successes of the past two decades however lies the ongoing failure to reduce the over representation of Indigenous children in the care and protection system of each State and Territory (NSW Community Services Commission 2000, HREOC 1997, Cadd 1999.)

Since the mid 1980's the development of Aboriginal and Islander child care agencies has come to almost a complete halt. There are at present just over 30 such agencies operating in Australia, about the same number as two decades ago, and most of these are relatively small agencies with few staff and a role focussed primarily on placing Indigenous children who have already been removed from home by State welfare authorities.

In discussing the findings of the recent national audit of child abuse prevention programs Tomison and Poole note that only 16% of all programs included in the audit stated that they targeted Indigenous populations and that only one quarter of these were specifically developed for Indigenous communities (Tomison et al 2001). This suggests that only 4% of existing prevention programs have been developed by and for Indigenous communities. The task of supporting Indigenous communities to devise their own responses to the welfare and protective concerns of children is far from complete.

Many Indigenous communities, particularly those in NSW, Western Australia and the Northern Territory, and more generally in rural and remote areas have little or no access to AICCA's to assist them with parenting, family support or dealing with child protection issues and authorities. As a result Aboriginal and Torres Strait Islander children in these communities are still subjected to interventions from State based child welfare authorities with little or no access to support and assistance from Indigenous community controlled agencies.

As it was at the time of the First Aboriginal Child Survival Seminar securing the welfare of Indigenous children and families to prevent the removal of children is still our most pressing challenge.

If we look at the current situation, with Indigenous children over six times more likely to be removed from their families than other Australian children, (AIHW 2001), and compare to the picture which emerged at the 1979 seminar it could be argued that little has changed.

Currently in Victoria Aboriginal and Torres Strait Islander children make up approximately 10% of children in care but only 1% of the population aged 0 - 16 with up to 45% of those Aboriginal children in care still placed in non Aboriginal foster care. In NSW SNAICC estimates that Aboriginal and Torres Strait Islander children make up 28% of all children in the care and protection system despite comprising less than 2% of the total population of children aged 0 - 17. Whilst in Queensland Aboriginal and Torres Strait Islander children comprise less than 5% of the States' children aged between 0–17 but make up 25% of children in care. Figures for other States and Territories are either no better or in the case of the Northern Territory, not credible (Pocock 2002).

Undoubtedly we have better ways of caring for Indigenous children removed from home but the rates of child removal are in reality no better than they were 23 years ago and we have failed to develop the necessary preventative programs required to reduce the rates of child removal.

Commonwealth investment in Indigenous child welfare agencies

In the early 1980's the Commonwealth government agreed to provide a once off injection of funding to support the establishment of a number of Aboriginal and Islander Child care Agencies, AICCAs. A total of eleven AICCA's still receive Commonwealth funding through the Department of Family and Community Services including agencies in Victoria, NSW, South Australia, Queensland and Alice Springs. For some of these agencies the Commonwealth is their sole or most significant funder. The application of these Commonwealth funds varies from what might be argued are State and Territory functions such as the recruitment of foster carers to supporting organisations with management and infrastructure costs.

In addition to the eleven AICCA's which receive Commonwealth funding there are, approximately, a further 30 such agencies which receive no on-going Commonwealth funding support. Perhaps more significantly however is the fact that the total number of such agencies and their primary focus on child protection and alternative care has in most cases remained relatively fixed for over two decades. Currently the Commonwealth through FACS also provides funding of approximately \$2m per annum for Indigenous parenting programs and has funded Indigenous specific family violence and child abuse prevention activities through the Partnerships Against Domestic Violence program.

2.0 Factors contributing to the incidence of child abuse and neglect

In order to understand the current over representation of Aboriginal and Torres Strait Islander children in the child protection system, including in substantiations of child abuse and neglect and in out-of-home care, it is necessary to establish the factors which are considered to contribute to the incidence of child abuse and neglect and establish the prevalence of such factors within Indigenous communities.

Higher national recorded rates of substantiated child abuse and neglect and placement in out-of-home care for Indigenous children suggest that the factors which lead to child abuse and neglect are more prevalent within Indigenous communities. Here we summarise the factors associated with child abuse and neglect and provide an overview of the prevailing Soc-economic conditions within Indigenous communities to establish if these factors are more prevalent.

As noted by the Australian Institute of Health and Welfare, (AIHW 1999),

- poverty,
- poor socio-economic status,
- differences in child rearing practices, and
- inter-generational effects of previous separations,

are all considered significant factors in the national over representation of Aboriginal and Torres Strait Islander children in substantiated cases of child abuse and neglect and in placement in out-of-home care (AIHW 2000, page 16).

In discussing family type the AIHW (1999) note the over representation of children from sole parent families in substantiations, (both Aboriginal and Torres Strait Islander and non Indigenous), and that the likely reasons for this are that these families are more likely to;

- have low incomes and be financially stressed
- live in poor quality housing, and
- suffer from social isolation (AIHW 1999, page 17).

Like sole parent families, Aboriginal and Torres Strait Islander families across Australia, are far more likely than other families to experience poverty, financial stress and live in poor quality housing (AIHW 1999, page 20).

In relation to differences in child rearing practices, (that is child rearing practices differing from those of the predominant culture), and the inter-generational effects of previous separations, these two factors are experienced by Aboriginal and Torres Strait Islander communities throughout Australia. The report of the Human Rights and Equal Opportunity Commission, (HREOC), Inquiry into the separation of Aboriginal and Torres Strait Islander children from their families, *Bringing Them Home*, illustrates that the effects of previous separations impact severely on Indigenous families throughout Australia (HREOC 1997a).

The *Bringing Them Home* report documented that the forced removal of Aboriginal and Torres Strait Islander children took place in all states and territories and impacted upon the majority of Indigenous families.

Indigenous children have been forcibly removed from their families and communities since the very first days of the European occupation of Australia. In that time, not one Indigenous family has escaped the effects. Most families have been affected in one or more generations by the removal of one or more children (HREOC 1997b, page 4).

In reviewing the research and literature relating to child neglect Tomison (1995b) notes that,

Child neglect is commonly associated with low income, larger, multi problem families, families receiving government benefits, poor housing and living conditions and low educational and employment levels (Tomison 1995b, page 3).

In 1995 the Secretariat of National Aboriginal and Islander Child Care, SNAICC, was commissioned by the Commonwealth to prepare a national plan for the prevention of child abuse and neglect. SNAICC carried out a series of consultations with Aboriginal communities in rural, remote and urban areas following the preparation and distribution of a national discussion paper.

Consultations identified issues which were seen by Aboriginal communities as contributing factors or as directly related to child abuse and neglect. These included: -

- Breakdown of traditional Aboriginal society and loss of child rearing practices
- Deprivation of culture and loss of identity arising from previous generations of child removal from families and forced relocation of communities
- Inadequate housing and housing facilities
- Alcohol and other substance abuse

More specifically the plan states,

The relationship between poverty and the high incidence of child abuse and neglect was frequently noted in consultations. Aboriginal children are more likely to experience an absence of a decent standard of diet, clothing, housing and health care than is acceptable to the majority of Australians. Aboriginal people experience high levels of unemployment, reduced participation rates in education and recreation pursuits. Many parents are single, unemployed, living in crowded conditions and have little access to formal child care (SNAICC 1996, page 6).

It adds that,

Dispossession, racism, a sense of hopelessness and powerlessness and poverty are all factors leading to stresses in families that lead to child abuse and neglect (SNAICC 1996, pages 5-6).

In summary the key factors which are commonly associated with child abuse and neglect include:

- poverty
- unemployment
- family stress, family violence and family breakdown
- homelessness and inadequate housing
- substance and alcohol abuse
- poor health
- low educational attainment
- sole parent families or families with multiple problems and complex needs
- families suffering from loss of culture, the effects of dispossession and child removal in previous generations

3.0 Socio-economic profile: Aboriginal and Torres Strait Islander families

This section of the paper examines the socio-economic profile of Aboriginal and Torres Strait Islander people to assess if those factors listed above, which are thought to contribute to child abuse and neglect, are more common within Indigenous than non-Indigenous communities. It commences with some preliminary information regarding the age structure and distribution of the Indigenous population which both vary markedly from that of the broader Australian population.

Socio-economic indicators - Aboriginal & Torres Strait Islander families/households

Age structure of the Indigenous population

Whilst the Australian population as a whole is said to be ageing the Indigenous population is comparatively young with a very high proportion of people under the age of 30. Jonas (2000) notes that the age structure of the Indigenous population is,

“ typical of an underdeveloped country with more children and young people and fewer old people.”

15% of Aboriginal and Torres Strait Islander people are under the age of five whilst only 7% of the whole population is under the age of five. Other statistics (ABS 1998) include that: 28% of Aboriginal and Torres Strait Islander people are under the age of 10, 40% of Aboriginal and Torres Strait Islander people are under the age of 15, and 68% of Aboriginal and Torres Strait Islander people are under the age of 30.

In 1996 as HREOC Aboriginal and Torres Strait Islander Social Justice Commissioner, Mick Dodson, commented that incarceration rates for Aboriginal and Torres Strait Islander young people should to be considered with an awareness of the age structure of the Indigenous population in Australia.

“ This, (the age structure), has enormous consequences for the future of our people. Combined with the over representation of our young people in detention it means that by the year 2011 there will be a 44% increase in the number of our kids in detention (Dodson 1996).”

Dodson was highlighting the fact that a rapidly increasing Indigenous population combined with a high proportion of children and young people creates the scenario where the actual number of young people in detention will escalate dramatically.

Escalating numbers of Indigenous children in out of home care

What Dodson said in 1996 regarding incarceration is equally true in relation to the rates of substantiated child abuse and neglect for Indigenous children and their placement in out-of-home care. Unless there is a dramatic decline in the rate of child removal per 1,000 children then there will be a dramatic increase in the total number of Aboriginal and Torres Strait Islander children in need of substitute care across the country.

In 1996 when Dodson spoke of the crisis in juvenile justice young Indigenous people aged 10 - 17 in NSW were removed from home through the child welfare system at four times the rate at which they were removed by the juvenile justice system , 7.45 per 1,000 compared to 38.3 per 1,000, (AIHW 2001)

If the rate of placement of Indigenous children from NSW in out-of-home care stays at the rate as of June 2000, 38.3 per 1000, the age structure of the population means that the total number of Indigenous children in care in NSW can be expected to increase from the June 2000 figure of 2,139 children to just under 3,000 by the end of the decade. (AIHW 2001). At the same time as demand for out-of-home care seems set to

escalate at the other end of the age spectrum the proportion of Indigenous people over the age of 30 declines and these are the people who may be able to provide out-of-home care.

If the current rates of child removal are not reduced for other States and Territories the following increases in the number of Indigenous children removed from their families and placed in care should be expected.

TABLE 1: Anticipated increase in number of Indigenous children aged 0 - 17 in out of home care between 2001 and 2010 assuming population growth of 40%

State/Territory	Rate per 1,000 in Out of Home Care	Number In Out of Home Care at June 30th 2001	Expected Numbers by 2010
NSW	38.3	2139	2994
VIC	41.5	454	635
QLD	11.6	637	891
WA	16.6	456	638
SA	20.7	227	317
TAS	4.9	31	43
ACT	2.4	29	40
NT	1.8	100	140
AUSTRALIA	18.3	4073	5700

Source for rates: Australian Institute of Health and Welfare; Child Protection Report 2000/01. AIHW cat no CWS 16. Australian Government Publishing Service, Canberra 2001.

Population growth of appx 40% based on mid point between ABS low and high series projections for the Indigenous population, see ABS The Health and Welfare of Australia's Aboriginal and Torres Strait Islander People's; cat no 4704.0 2001 Table A19.

Child and Family Welfare

According to the AIHW 2000/01 report *Child Protection Australia*, Indigenous children are over six times more likely to be removed from their families than other children and placed in out of home care. As outlined above key causal factors noted by the AIHW include:

- higher rates of poverty
- intergenerational effects of previous separations from family and culture
- cultural differences in child rearing practices, and
- a lack of access for families to support services

Family Separations - Children in Out of Home Care

Out of home care refers to the placement of children, with or without a child protection order in place, in the care of people other than their parents or guardians. Out of home care includes placement with relatives or kin and is generally distinguished by the fact that the carer receives some financial support for the care of the child(ren) from the relevant State or Territory Department.

The over representation of Indigenous children in out of home care reflects the higher incidence of family stress and family breakdown within Aboriginal and Torres Strait Islander communities. This is demonstrated by the rate ratio between Indigenous and Non Indigenous children with the national figure showing Indigenous children removed from their families at 6.8 times the rate of other children.

Table 2: Children in out of home care: June 2001

Number and rates of children per 1,000 aged 0-17 years by Indigenous status and by State and Territory - as at June 30 2001.

	NSW	VIC	QLD	WA	SA	TAS	ACT	NT	AUST
Indigenous Children									
Number of Children	2,139	454	637	456	227	31	29	100	4073
Rate per 1,000	38.3	41.5	11.6	16.6	20.7	4.2	18.6	4.2	21.1
Non Indigenous Children									
Number of Children	5,647	3,428	2,374	980	948	510	186	64	14,168
Rate per 1,000	3.7	3.0	2.8	2.2	2.8	4.9	2.4	1.8	3.1
Total Children									
Number of Children	7,786	3,882	3,011	1,436	1,175	572	215	164	18,241
Rate per 1,000	4.9	3.4	3.3	3.0	3.3	4.8	2.8	2.7	3.9
Rate Ratio Indigenous rate per 1,000 : Non Indigenous	10.4:1	13.8:1	4.1:1	7.5:1	7.4:1	0.9:1	7.8:1	2.3:1	6.8:1

Source: Child Protection Australia 2000/01. AIHW. cat no CWS 16 table 4.8

Placement of Indigenous children with non Indigenous foster parents

Despite the acceptance of the Indigenous Child Placement Principle approx 22% of Indigenous children removed from their families are still placed with non Aboriginal foster parents. In Victoria the proportion placed with non-Indigenous carers is 44% whilst NSW had the lowest proportion placed with non-Indigenous carers; 13%. (AIHW 2001)

Life expectancy at birth

Life expectancy at birth among non Indigenous people was 76 years for males and 82 years in the period 1997-99 whilst in the same period for Indigenous people it was 56 years for males and 63 years for females. As noted by the AIHW this is similar to the life expectancy for non-Indigenous males in 1901-1910 and for females in 1920-22. (AIHW 2001)

Pre School Education

Between 1995 and 1999 access to pre school education for Indigenous children declined - for all other children it increased. This was due to the increasing Indigenous population, age structure of the Indigenous population and a failure to provide additional pre school places to meet growing demand.

Early school leaving

Young Aboriginal and Torres Strait Islander people were more likely to leave school early - one third had left school by age 15 or younger, compared to just 15% for all young people.

Unemployment rates

Unemployment persists at much higher rates amongst Aboriginal and Torres Strait Islander people than the whole Australian community. As at February 2000 the unemployment rate amongst Aboriginal and Torres Strait Islander people was 17.6% compared to 7.3% for all Australians. At the same time the proportion of Aboriginal and Torres Strait Islander people in employment was lower, 44% compared to 59%. The unemployment rate is highest for Indigenous people 15 to 19 year olds, 50%, and also very high for 20 to 24 year olds, 46%. (ABS 2000)

Nature of employment

26% of Indigenous people in employment were employed in the Community Development Employment Project, CDEP scheme, which is a *work for the dole* scheme provided through ATSIIC. (ABS 2000)

Participation in the CDEP scheme grew rapidly from about 4,000 in 1991 to 30,600 in 2000. Increases in the employment of Indigenous people between 1991 and 2000 were largely the result of this growth in CDEP. (ABS 2000)

Annual Household income

20% of Indigenous households had an annual household income of less than \$16,000 per annum. A further 40% had household incomes of between \$16,001 and \$40,000. (ABS 1999)

Homelessness

Despite their small proportion of the total population Aboriginal and Torres Strait Islander people make up 14% of all the clients under the Supported Accommodation Assistance Program and Indigenous families are 20 times more likely to be homeless than non Indigenous families.

Unaffordable and overcrowded housing

In 1995 17% of all Australian households were living in unaffordable or overcrowded housing or both. By comparison 38% of Indigenous households were living in these conditions.

Law and Justice

According to the Australian Institute of Criminology Indigenous children and young people are 21.3 times more likely to be incarcerated than their non Indigenous counterparts.

Source for all socio economic data unless otherwise stated: Australian Bureau of Statistics (ABS), & Australian Institute of Health and Welfare (AIHW) (1999). The Health and Welfare of Australia's Aboriginal and Torres Strait Islander Peoples. Canberra: Australian Government Publishing Service (AGPS).

Summary - Socio-economic data

The available socio-economic data clearly indicates that the health and welfare of Aboriginal and Torres Strait Islander children is significantly less than that of other children in Australia.

Today in Australia Aboriginal and Torres Strait Islander people have the same standard of health that other Australians experienced in 1910. Life expectancy for Aboriginal and Torres Strait Islander people is 20 years less than for other Australians (AIHW 2001).

The gross intervention and interference into the lives of Aboriginal and Torres Strait Islander families of the past has undermined the roles that Mothers, Fathers, Uncles, Aunties, cousins, grand parents and community elders can play today in raising children. At the same time the social and economic circumstances which confront Indigenous families trying to raise children are truly appalling.

Many in today's generation, having been raised in white foster care, missions or institutions, have been denied access to role models, cultural knowledge and wisdom regarding parenting and growing up children. Thus they face the task of raising their children with a minimum of knowledge passed on from the previous generation and in the most severe socio-economic circumstances in Australia.

Problems such as overcrowded and inadequate housing, intergenerational poverty and unemployment, unreliable access to essential utilities such as clean drinking water and power and limited access to transport are more prevalent within Indigenous communities. Rural and remote Indigenous communities are

disproportionately affected and are less likely than other Indigenous communities to have access to community and welfare services.

Personal income levels of Aboriginal and Torres Strait Islander people are the lowest in the country, whilst unemployment and dependence government subsidised employment programs, such as the Community Development Employment Program, (CDEP), for paid work are the highest (ABS 1998).

The chronic environmental health problems and poverty experienced in many rural and remote Indigenous communities place children at risk of major health problems including hearing impairment and malnutrition. These health problems create learning and developmental problems with as many as one third of primary school age Aboriginal children in remote Northern Territory communities reported as being unable to hear their teachers in class (Condon 2001).

The ABS reported in 1999 that the proportion of low birth weight babies born to Aboriginal and Torres Strait Islander mothers was highest in South Australia, (15.7%), followed by the Northern Territory (14.4%). These figures compare to a national average of 12.4% of babies born to all Aboriginal and Torres Strait Islander mothers and 6.2% of babies born to non-Indigenous mothers (ABS 1999).

In a 1999 submission to an inquiry into Aboriginal education in the Northern Territory the NT Government conceded that,

A high percentage of Indigenous school aged children who are underdeveloped at birth due to poor maternal health and nutritional status are more likely to suffer ill health and shorter life spans than those of normal birth weight (Collins 1999, page 149).

The factors which give rise to child abuse and neglect, such as poverty and inadequate housing, are far more prevalent in Aboriginal and Torres Strait Islander communities than in the broader community. In this context the over representation of Indigenous children in the child welfare statistics is not surprising. It also offers some explanation for the significantly higher incidence child neglect amongst substantiated cases of child abuse and neglect for Indigenous children. Approximately 50% of all substantiated cases for Indigenous children are for neglect whilst around only 30% of cases for all children are for neglect (AIHW 2001). SNAICC has noted that child neglect, (typically involving factors beyond the control of parents), is the greatest threat to the stability of Indigenous families and the welfare of their children - not child abuse (SNAICC 1999).

4.0 Possible reform options and the role of the Commonwealth

It would seem that the advice of delegates, black and white, to the 1979 Aboriginal Child Survival Seminar, might still be the most relevant and useful advice to follow in seeking to reform child welfare policy and practice.

As noted earlier the seminar was characterised by

“ The desire of both black and white participants to develop a co-operative relationships which ensured the autonomy of Aboriginal organisations, (Jackson 1979)”

Delegates prioritised the need to:

- develop broad holistic Indigenous family support services within and for all Indigenous communities covering all parts of all States and Territories
- have governments actively support and resource organisations and assist Indigenous community organisations in the process of program development and service management
- resource a national Indigenous organisation to actively support, encourage and coordinate the development of these new family focussed Indigenous agencies across Australia.

To date these developments have not occurred and many Indigenous families continue to pay a high price - family breakdown and child removal.

Investing in community based Indigenous family support services

Contrast the resources which were available to the child welfare system in the first half of the last century when its purpose was to destroy Aboriginal culture and communities to the resources available today when it is expected to protect and preserve those communities. As Cummings (1990) shows, the protection and assimilation based Aboriginal child welfare system in the Northern Territory had at its disposal an extraordinary level of physical resources for the time as well as powers to compulsorily acquire land, forcibly remove children, relocate and impound communities, restrict and control peoples movement and compel non-government missions and foster homes to provide training of a designated type.

The Commonwealth coordinated and was a significant funder of the Territory wide network of missions, compounds, training institutions and reserves for more than half a century. There was also a significant contribution of non-governmental resources from church and mission groups all working towards the same goals, the elimination of 'half-castes' and Aboriginal culture. Finally there were regular debates and discussions, (which excluded Aboriginal people until at least the 1970's), at the highest levels of government and within inter-governmental forums such as the conference of State, Territory and Commonwealth Government Ministers on Aboriginal Welfare of 1937 and subsequent conferences in 1948, 1951, 1961 and 1979 (Cummings 1990, Austin 1993). The issue of Aboriginal child welfare was of major political importance to State, Territory and Commonwealth governments, albeit for reasons which have now been discredited.

The immense effort directed towards the break up of Aboriginal families and communities in the Northern Territory was typical of child welfare policy and practice directed towards Indigenous people throughout Australia (Briskman 2001, D'Souza 1994)

Today the child welfare systems in the States and Territories are in relative terms poorly resourced and focus heavily on protection rather than prevention with most Indigenous communities having little or no access to broad holistic family support services. By way of example in the Northern Territory the child protection system consists of a skeleton staff, short term programs, relatively little contribution from church based

agencies, (unless that contribution is government funded), and two Aboriginal community controlled organisations, Karu and CA AICCA, which receive an almost inconsequential level of funding.

At the national level there has been relatively little inter-governmental discussion at the Ministerial level of the best policy approach to Aboriginal and Torres Strait Islander child welfare since the 1983 Social Welfare Minister's conference which discussed the funding of Aboriginal and Islander Child Care Agencies. This is despite the repeated calls for national policy including from the 1979 Aboriginal Child Survival Seminar (Jackson 1979), 1983 Royal Commission into Aboriginal Deaths in Custody (Royal Commission into Aboriginal Deaths In Custody 1991), from SNAICC since its creation in 1981 (Briskman 2001, D'Souza 1994), from the 1987 *Bringing Them Home* report (HREOC, 1997a) and most recently from the Australian Democrats (Ridgeway, 2001) in the lead up to the 2001 Federal Election.

The contrast is stark; when the policy objective was to eliminate Aboriginal culture no stone was left unturned - when the policy need is to preserve Aboriginal culture and re build families we barely lift a finger.

Responding to child maltreatment: from child removal to family support

There has been a trend in recent years in Australia and overseas away from the investigative approach in child protection, with emphasis on individual cases, to a broader family support approach with emphasis on prevention (Poole & Tomison 2001). This trend from protection to prevention has been commented upon for twenty years or more (Carter 1983).

One of the suggested shortcomings of focussing the child protection system too heavily on investigating events is that it leads to issues of child neglect being overlooked and possibly ignored. The investigating events focus is well suited to dealing with individual episodes of sexual or physical abuse as opposed to responding to neglect which may typically require a longer term and more detailed knowledge of a families and child's circumstances (Tomison 1995a).

In discussing the shift to a family support approach Poole and Tomison (2001) note that three major changes have occurred to differing degrees within the child protection systems in Australia. They note that these include a shift away from narrow investigative approaches to include a broader assessment, which takes in the family context, the child's wider needs and their access to other support networks and services. Secondly, highly structured risk assessment measures have been developed to screen notifications, and thirdly consistent with this screening process notifications are classified as requiring a child protection investigation response or as requiring a response based on providing support and assistance to a family.

Tomison and Wise (1999) note that holistic community based approaches to the prevention of child abuse and child neglect should ideally combine the three theoretical elements of, ecological approaches, risk and resiliency and social capital. Currently our systems of child protection are weighted towards a narrow investigative approach within a risk and resiliency framework with inherent bias against dealing with child neglect – the most common reason Indigenous families have contact with the system. In the case of the Northern Territory the system is heavily weighted towards investigating events and has serious inconsistencies in the way in which it responds to child abuse - if it responds at all (Pocock 2002).

In order to produce better results for Indigenous communities the major emphasis in the child welfare system needs to be on ecological approaches which address the underlying causes of child maltreatment. Importantly it needs to be recognised that these underlying causes include the ongoing impact of previous separations and the prevailing socio-economic circumstances confronted by Indigenous people on a daily basis.

Priorities for the Commonwealth – for discussion

SNAICC has consistently argued that the Commonwealth should direct its attention to primary prevention and early intervention activities whilst acting to preserve the rights of Indigenous families and children through some form of national standards legislation.

In 1994 the Australian Institute of Family Studies prepared a report for the Commonwealth Minister for Family Services on the Commonwealth's role in preventing child abuse (Rayner 1994). That report concluded that the Commonwealth should accept responsibility for primary prevention and recommended against the development of legislation to establish national standards across jurisdictions. Significantly the report recommended the establishment of a Commonwealth children's services Act and program modelled on the Disability Services Act. The report suggested that this should proceed following negotiations with the States to agree on specific roles and responsibilities in relation to child welfare and protection with, as mentioned above, the Commonwealth responsible for primary prevention and States for child protection.

It also recommended the development of a specific strategy, in partnership with SNAICC, to prevent child abuse and neglect with Aboriginal communities. The 1994 report provides some still relevant and useful material, which could assist ACCAP to agree upon and articulate the most appropriate role for the Commonwealth in child abuse prevention.

From SNAICC's perspective the development of Indigenous family support services and programs with a focus on prevention of child maltreatment is an urgent priority in most Indigenous communities. Such services and programs would require the capacity to work in partnership with State and Territory governments given their responsibilities for child protection. The development of such services requires Commonwealth planning, leadership and investment within a partnership framework incorporating SNAICC, ATSIC and other Indigenous organisations. In some communities this may require establishing new services whilst in others it may be more appropriate to provide funding for the development of new programs. Unquestionably it would require a substantial allocation of Commonwealth resources.

SNAICC would also offer the observation that there is a lack of agreement and certainty around the respective roles of the Commonwealth, States and Territories and non-government agencies in the Indigenous child welfare field. There is also a distinct lack of national policy objectives or a framework which could work to ensure that the efforts being made by all levels of government and non government agencies are appropriately targeted, of sufficient scale to impact on the causes of child abuse and neglect and co-ordinated to ensure they are mutually reinforcing.

SNAICC is cognisant of the fact that there is some discussion within the Council of Australian Governments, COAG, in relation to the Commonwealth's role in relation to child abuse prevention. SNAICC recommends that ACCAP seek to influence and shape these discussions with a view to having the Commonwealth accept responsibility for primary prevention of child abuse and neglect.

In light of the material provided through this paper SNAICC would highlight the following as a useful starting points for moving towards a more active role for ACCAP and subsequently the Commonwealth in relation to the prevention of child abuse and neglect in Indigenous communities.

Stage One – ACCAP Discussion and review

SNAICC suggests that ACCAP review a number of recent papers and reports to identify the most relevant and strategic options for the Commonwealth to pursue in relation to prevention of child abuse and neglect.

- Reviewing the recommendations of the 1994 report on the Commonwealth's Role in relation to prevention of child abuse and neglect

- SNAICC Federal Budget submission, which proposed a number of long term strategies in relation to child abuse prevention, including the establishment of a National Indigenous Child and Family Welfare Resource Centre.
- Information on existing Commonwealth outlays relating to child abuse and neglect within Indigenous communities
- Background materials prepared by Dr Janet Stanley – extracts from paper on Child Abuse and Family Violence in Aboriginal Communities (*as circulated*)

Stage Two – Development of specific advice for the Minister for Children and Youth

This advice should be developed based on some minimum agreement around the need for national policy in relation to the prevention of child abuse and neglect. SNAICC recommends that such advice include support for:

- national policy for the prevention of child abuse and neglect with the central objective of reducing the current over representation of Indigenous children in the child protection system
- development of a national framework agreement between States, Territories, the Commonwealth and non government sector on respective roles and responsibilities
- recommended priorities for 2004/2005 Federal budget

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