foundation for a people dealing with a changing world. We just need a force to make others see the light.

ENDNOTES

4. Howard, National Press Club address.
6. The Dominion Post, 10 July 2007.
13. ‘On ABC TV’s The 7.30 Report program on Tuesday night, the director of the Cape York Land Council, Noel Pearson, said he did not expect much support from the Indigenous community for his plan to overhaul Indigenous welfare’, ABC News Online, 19 June 2007.
14. This was a particular lesson we learnt in Tasmania where the black community felt a stronger link to the lands it had fought for but alienated from other places that had been gifted, for example, Truganini Park at Hobart’s Mt Nelson. Tasmanian Premier Paul Lennon and, at the time, Opposition Leader Rene Hidding, understood the point.
15. He writes a regular column for The Weekend Australian, which is also is listed as a partner on Pearson’s Cape York Institute website.
To answer these pressing questions, it is necessary to revisit the *Bringing Them Home* report;³ to reflect on the *Little Children are Sacred* report and examine the parallels, if any, between the two; and, finally, to attempt to ascertain just what the Federal Government intends to do, in both a policy and practical sense. The circumstances that gave rise to the stolen generations tragedy must be scrutinised against the frameworks of law, policy and practice that obtained during the era in question. It may well be that the situation today renders fears about a new stolen generation unjustified. But it is not an unrelated problem that, since the abandonment of the racist laws, policies and practices that led to the removal of children, both the welfare and criminal justice systems have had deleterious impacts on Aboriginal children and juveniles.

**The *Bringing Them Home* Inquiry**

In August 1995 the Commonwealth Attorney-General, Michael Lavarch, issued terms of reference to the Human Rights and Equal Opportunity Commission (HREOC) to conduct an inquiry into the removal of Indigenous children from their families and communities.⁴ The Inquiry was required to trace the history of removal which took place ‘by compulsion, duress and undue influence’, and to examine the effects of removal. It was also required to examine the adequacy of services available to people affected by forcible removal, especially in relation to access to personal and family records and assistance for family reunions. Finally, the Inquiry had to report on what principles might justify compensation for forcible removal.

It is not possible to cover the extensive findings and recommendations of the *Bringing Them Home* report here. But one finding of the Inquiry is particularly pertinent in light of the Prime Minister’s new-found concern for the welfare of sexually abused Aboriginal children who were taken from their parents. The HREOC Inquiry — conducted over ten years ago — found that Indigenous children ‘in every placement were vulnerable to sexual abuse and exploitation’.⁵ It was reported to the Inquiry that one in five children who had been fostered and one in ten who had been institutionalised were the victims of sexual abuse. It also found that welfare officials had failed in their duty to protect Indigenous children who were wards in their care, often abusing their wards themselves. The
reports of abuse to the Inquiry spread over many decades of the twentieth century, well into the 1960s.6

Also relevant to the current consideration of child protection are the transgenerational impacts of abuse of this kind, as found by the HREOC Inquiry. These effects are two-fold:

the effects damage the children who were removed, their parents and siblings, and their communities. Subsequent generations continue to suffer the effects of parents and grandparents having been forcibly removed, institutionalised, denied contact with their Aboriginality and in some cases traumatised and abused.7

... approximately one-third of child victims of abuse grow up to have significant difficulties parenting or become abusive of their own children. One-third do not have these outcomes but the other third remain vulnerable, and, in the face of social stress there was an increased likelihood of them becoming abusive.8

I do not contend that such influences provide an explanation for the shocking revelations of the Little Children are Sacred report. The reasons for child sexual abuse are multi-faceted, born of various policies (now largely discredited), and are socially complex. I do not raise these findings to in any sense ‘justify’ child abuse; on the contrary, we have to acknowledge the past, take stock of the alarm bells that have rung many times since the policy of forced removal was sanctioned, and face up to the many other issues confronting socially disadvantaged Indigenous people. It is only through doing so that as a caring society we will be able to deal with present realities.

Given this backdrop of known child abuse, it is remarkable that since the release of the Bringing Them Home report the Commonwealth has treated the post-stolen generation conundrum as a policy playground. It is not surprising that many parents who were removed from their communities fear their children will also be removed, and no amount of official or other assurances can assuage that fear. While as children they may well have happily enjoyed a familial, kinship and communal playground that was their domestic and totemic landscape, this was not always a sufficient buffer to the insidious presence of sexual predators.
Once removed from caring extended family as part of the Commonwealth’s policy playground, however, the scars of the mind, body and soul were irrevocably etched on individuals, metamorphosing into a disabled generation — one ripe for the dulling effects of the welfare cycle and substance abuse, and leading to interpersonal dysfunction. If people believe or are told that the Minister for Indigenous Affairs, the army and the police are coming to examine their kids, then the spectre of the stolen generations explains why some have ‘taken to the hills’.

The fourth and final term of reference of the HREOC Inquiry has often been overlooked in commentary about the Bringing Them Home report. The Attorney-General directed the Inquiry to look at the causes of removal of children from their families today, and how this might be prevented. It examined the juvenile justice and child welfare systems in every state and territory. Adoption and family law were also considered.

At the time of the Inquiry it was found that Indigenous children were six times more likely to be removed from their families for child welfare reasons and twenty-one times more likely to be in juvenile detention than their non-Indigenous counterparts. This is a snapshot of the impact of a system that was still removing Indigenous children. The Inquiry put forward a number of proposals for dramatically reducing these practices. The key, it said, is to ensure that child welfare and juvenile justice systems in all Australian jurisdictions fully implement the relevant recommendations of the Bringing Them Home report, and in particular, recommendations 44 to 53. To do this, a firm policy commitment over a long period with dedicated funding is required. The time for playing with policy is over!

The HREOC Inquiry found that:

Existing systems have failed miserably. Nowhere is this failure more profoundly reflected than in the inability of States and Territories to reduce the number of Indigenous children placed in care, held in police cells and sentenced to detention centres.⁹

It recommended that the Council of Australian Governments negotiate a set of national standards through uniform legislation that would be binding in all jurisdictions and establish minimum standards of treatment for all Indigenous children. This has not happened. The central feature of
national minimum standards is the Aboriginal Child Placement Principle (ACPP), which applies in situations where children are removed from their families and placed in care, regardless of whether a placement is temporary or permanent. Adoption still remains a last resort. Recommendation 51 sets out in detail how the ACPP is intended to work. It establishes rules of preferred placement, rules applicable to non-Indigenous carer placement, and procedures for obtaining advice from appropriate accredited Indigenous organisations prior to placements. The Northern Territory had, to some extent, entrenched something equivalent to the ACPP well before the national inquiry into the stolen generations through its Community Welfare Act 1983. While that Act did not contain provision for consultation with an appropriate accredited Indigenous organisation, the ACPP is now fully entrenched in section 69 of the Act.

It may be of some comfort to know that legislation in one jurisdiction affords some protection to avoid a repeat performance of the stolen generations tragedy, but the heart of the problem is not the presence or absence of relevant law, but the persistence of the removal and separation of children from their families. We can never expect to stem the flow of kids out of our communities unless we attack the root causes. The Federal Government's laudable desire to deal with the problem of child sexual abuse in the Northern Territory will not succeed unless the core determinants and historical circumstances of the problem are acknowledged, and a firm commitment is made to uphold the HREOC recommendations — in partnership with communities.

Clearly this would be an approach diametrically opposed to the tent diplomacy of the paramilitary interventions presently underway. Where have the HREOC recommendations been enacted? Has anyone in government ever read them? Why has it taken over ten years for a significant Federal Government response? And why does the response we now have involve the military and police rather than an upgrading of the resources and capacities of community health workers, counsellors and juvenile justice workers working in collaboration with communities? The AMA has repeatedly highlighted the shortage of publicly funded medical staff in rural and remote settings. For example, there is one oncologist servicing the entire Northern Territory!

Issues surrounding domestic violence, alcohol and substance abuse,
health, housing, employment, income and education must all be tackled. We cannot deal with child sexual abuse and family violence in isolation. We need the full gamut of dedicated support services, and these need to be culturally informed, strategically applied and holistic in their approach. That would be effective intervention. We simply must put dedicated resources and preventative measures in place if violence and its recurrence are to be curtailed. We need professional support staff who can provide counselling and rehabilitation services. We need child protection workers and the infrastructure to support them.

Australia needs to make a proper social investment in the long-term well-being of its Indigenous citizens. In beginning to overcome child sexual abuse we need to build child-centred and child-safe infrastructure. In short, we need to implement the actions that dozens of reports, commissions and inquiries have recommended for decades.12 (It is generally forgotten that the Bringing Them Home report was delivered to the Howard Government.) These must be enacted in consultation and collaboration with Indigenous communities and leaders, not done to them in a neo-paternal and assimilationist fashion. A consultative approach is precisely what is urged in the Little Children are Sacred report.

**Little Children are Sacred**

This is very first recommendation of the Little Children are Sacred report:

That Aboriginal child sexual abuse in the Northern Territory be designated as an issue of urgent national significance by both the Australian and Northern Territory Governments, and both governments immediately establish a collaborative partnership with a Memorandum of Understanding to specifically address the protection of Aboriginal children from sexual abuse. It is critical that both governments commit to genuine consultation with Aboriginal people in designing initiatives for Aboriginal communities.13

Interestingly, the only part of this recommendation the Federal Government is willing to refer to is the first two and a half lines: the need to designate the issue of child sexual abuse as 'an issue of urgent national significance by both the Australian and Northern Territory
Governments'. The critical text about a memorandum of understanding and committing to genuine consultations with Aboriginal communities has been dropped from their public references.14

Collaboration between organisations and stakeholders appears to be at the heart of the NT child protection system. The Little Children are Sacred report points to a misconception regarding the responsibility for child protection in the Northern Territory. The responsibility does not lie solely with the NT Department of Health and Community Services (DHCS), Family and Children's Services (FACS) and the police; it includes families, communities, government and NGOs.15 It is a shared, strategic response in which skills, resources and capacities have been brought together — albeit from a low and often insecure funding base, one allocated annually, not recurrently.

The focus of FACS' limited resources has been on 'intake', namely, responding to and investigating reported incidences of child abuse and neglect. Apart from limited finances, a number of other factors conspire to hamper its response to child sexual abuse and other forms of mistreatment. These include the large number of small, geographically isolated communities (about 30 per cent of the NT population), the absence of community sector organisations who can provide effective child and family support, and the lack of child and family support infrastructure across the Northern Territory. Overall, there is a lack of family support services, especially culturally secure services,16 which in turn puts constraints on the options available to families, communities and government agencies, including the option of keeping an abused child with family or within their community. The Little Children are Sacred report notes:

Of particular concern for the Inquiry is the dearth of sexual abuse counselling services, and the virtual non-existence of culturally appropriate sexual assault counselling services. Given that a well-functioning family support system is vital for undertaking the therapeutic work necessary to (1) prevent child abuse and neglect, (2) prevent the recurrence of abuse or neglect in maltreating families and (3) ensure that maltreated children are supported and assisted to grow up to be well-functioning adults, the Territory has a significant barrier to developing an effective response.17
Unless properly designed community-based, child-focused support systems are put in place, no amount of federal intervention with military personnel, extra police, temporary medical teams, prohibition of alcohol and pornography, compulsory reacquisition of land or the introduction of draconian laws will save a single child from abuse. A sustainable system for intervention and treatment of past and current abuses by a range of institutional and individual perpetrators requires a significant increase in recurrent financial investment to foster skills and capacities that currently do not exist.\textsuperscript{18}

The population and number of remote Aboriginal communities in the Northern Territory have been growing rapidly and, given the very young age demographic, are going to continue to expand into the future (see John Taylor’s chapter in this collection). Communities simply do not have the infrastructure to cope with this growth, and relocation is demonstrably not an option for most. The following statistics are a pertinent indicator of the issue:

- 38 per cent of the NT Aboriginal population comprises children less than fifteen years of age
- 72 per cent of the Aboriginal population live on Aboriginal land outside major towns\textsuperscript{19}
- 54 per cent of remote communities do not have a health clinic,
- 99 per cent have no substance abuse service, 94 per cent do not have a pre-school
- only 6 per cent of Aboriginal communities have a child care centre
- 2 per cent have a women’s refuge or safe house
- 2 per cent have housing for single men while the availability of single women’s housing is staggeringly low at 4 per cent
- over 60 per cent of Aboriginal people over fifteen years of age are living in overcrowded houses\textsuperscript{20}

The Australian Bureau of Statistics and the Productivity Commission have enumerated the extent of the problem, so why has the Federal Government enlisted the military to take a census of infrastructure yet again?

The \textit{Little Children are Sacred} report, like so many before it, provides many sensible recommendations to deal with not only the abuse and neglect of children but also many associated problems. All the
recommendations in the report, as outlined by Rex Wild in this collection, are important and all should be implemented with speed. How we reduce the number of Aboriginal children being removed from their families and communities is a significant challenge that can be partly addressed by heeding the advice of its authors.

Between 1997 and 2006 there has been a 73 per cent national increase in care and protection orders. In the Northern Territory there has been a 125 per cent increase in orders since 2001–2002 and the orders covering Aboriginal children in the Northern Territory since that time have increased by 140 per cent:

At present, most children who go to out-of-home care are placed in some form of family-based care, such as foster care or kinship care (the care of a relative); although some (few in the Territory) are placed in residential group home settings.

Nationally, the number of children placed in out-of-home care has been steadily rising (by 82 per cent from 1996 to 2006) and the unacceptable reality is that despite being less than 3 per cent of the child population, Aboriginal children comprise 26 per cent of all children in care.

In the Territory, the number of children in care (as of 30 June 2006) had increased by 116 per cent (from 163 to 352) since 2001–02 — with an average growth of 19 per cent per annum. Indigenous children make up 29 per cent of the NT population under the age of 18, but represent 78 per cent of all children in care.

The report found that since 2002 the Northern Territory’s compliance rate has been steadily declining — from 76 per cent to 64 per cent in 2006. The Little Children are Sacred report notes that:

a lack of adequate family support infrastructure across most of the Territory to which FACS could refer families identified as maltreating their child for assistance and support has meant that workers are left with little alternative in dealing with serious maltreatment cases but to place the child in out of home care.

It also found that Aboriginal children make up the majority of cases dealt with by FACS.
The compounding of current separations of Aboriginal children from their families and communities and decreasing compliance with the ACPP is of grave concern. Increasing numbers of Aboriginal children in the Northern Territory could arguably be lost to families and communities, constituting a new generation of lost children. Whether the Federal Government’s national emergency intervention will contribute to a decline in this trend is yet to be seen.

The other location for modern separations is the juvenile justice system. In the current quarter ending of January–March 2007, 88 per cent of the daily average NT juvenile detainee population were Indigenous. In the years 2004–05, 81.4 per cent of young people under juvenile justice supervision in the Northern Territory were Indigenous. Indigenous males make up 80.6 per cent of juvenile supervision population, with Indigenous females making up 92 per cent of the population. For Indigenous people, 22.4 out of 1000 people aged 10–17 were under juvenile justice supervision. This compares to 3.5 per 1000 for non-Indigenous people. Herein resides the heart of the problem confronting us. The ACPP will no doubt aid in ensuring that many of these children keep in touch with their families, communities and culture, given high levels of compliance, but what of the 36 per cent who are not within the ‘compliance zone’ at present.

Conclusion

The overwhelming conclusion to be drawn from the Little Children are Sacred report, and the many preceding it, is the need for a massive investment in infrastructure and opportunity in Aboriginal communities in the Northern Territory. Interventions must be resourced over the long term and implemented in partnership with community-based organisations. They need to build on existing health, justice and counselling capacity at the regional and community levels. Finally, they need to be implemented in a non-discriminatory fashion against the perpetrators, rather than the victims — both internal and external to communities. These will surely include the small business profiteers and itinerant workers who supply and distribute much of the illicit drugs and pornography, underwriting the sexual economy that has attracted so much vicarious scrutiny in the media.
Safe playgrounds must be there for all Australian children. Ensuring this safety will require great discipline on the part of government in taking the advice of its own reports and inquiries and following through on recommendations and policies in the long term, rather than falling prey to the dictates of election cycles and allowing human rights as basic as a child’s safety to become political playthings. The sexual abuse of children cannot be treated as a football to be kicked around a policy playground before a shocked audience of largely urban white voters. We must ask how the considered and sensitive discussion in Little Children are Sacred of the long-term problem of handling sexual abuse, and the culturally meaningful interventions required to address this crisis, have been translated into the storm-trooper tent diplomacy of health providers dressed in battle fatigue. Have the policy playground bullies won the day?

ENDNOTES

1. I am extremely grateful to and wish to acknowledge Tim Goodwin and Peter Veth for their assistance in compiling this chapter: Tim for his superb research skills and Peter for his very helpful comments and excellent drafting suggestions.


4. The terms of reference can be found at the beginning of Bringing Them Home.


15. *Little Children are Sacred*, p. 94.

16. *Little Children are Sacred*, p. 94.

17. *Little Children are Sacred*, p. 94.

18. *Little Children are Sacred*, recommendation 2, p. 22 is particularly relevant here.


22. *Little Children are Sacred*, p. 243.


26. See the Australian Institute of Health and Welfare’s Juvenile Justice series, no. 2.