

# Through Young Black Eyes

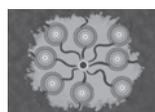
2007 UPDATE

A handbook to protect Aboriginal and Torres Strait Islander children from the impact of family violence and child abuse

**SNAICC – SECRETARIAT OF NATIONAL ABORIGINAL AND ISLANDER CHILD CARE**

THE NATIONAL PEAK BODY FOR ABORIGINAL AND TORRES STRAIT ISLANDER CHILDREN AND FAMILIES

OCTOBER 2007



**SRS**  
SNAICC Resource Service

# Credits

*Through Young Black Eyes* – 2007 edition

**A handbook to protect Aboriginal and Torres Strait Islander children from the impact of family violence and child abuse.**

Published by SNAICC – The Secretariat of National Aboriginal and Islander Child Care Inc.

Suite 8, Level 1, 252–260 St. Georges Rd.,  
North Fitzroy, Victoria 3068  
PO Box 1445 North Fitzroy, Victoria 3068  
Ph: (03) 9489 8099  
Fax: (03) 9489 8044  
Email: [snaicc@vicnet.net.au](mailto:snaicc@vicnet.net.au)  
Website: [www.snaicc.asn.au](http://www.snaicc.asn.au)

October 2007

Copyright © SNAICC 2007

SNAICC encourages people and organisations to photocopy and share material from this handbook for the purpose of raising awareness and educating individuals, groups or communities about the issues covered in this handbook. Graphics, photos and artwork from this handbook are used exclusively by SNAICC and may not be reproduced for any purposes other than SNAICC's purposes.

ISBN 978-1-921174-12-4

**Disclaimer:** The children in the photographs in this handbook are for illustrative purposes only and are not intended to imply the children depicted are in care, or that the people depicted are of concern to a state child welfare authority.

All reasonable effort has been made to check the accuracy of the information included in *Through Young Black Eyes*. This has included direct contact with each of the services listed prior to publication. SNAICC recognises that details of services and government agencies are constantly changing and some errors or omissions should be expected. Information on child welfare is intended as a guide only. People or agencies that have concerns in relation to the health, welfare and development of individual children should seek further information and advice.

**Warning:** Aboriginal and Torres Strait Islander people should be aware that this publication may contain images of people who have since passed away

## Research, writing, editing, funding

**2002 edition** – Kenny Bedford. Funded through Partnerships Against Domestic Violence.

**2005 edition** – Michele Moloney. Funded through the Australian Government, Department of Family and Community Services.

**2007 edition** – Rosie Elliott. Funded through the SNAICC Resource Service with funding from the *Early Childhood – Invest to Grow* initiative by the Australian Government under the Stronger Families and Communities Strategy.

## Contributors:

National Children's and Youth Law Centre

Australian Institute of Health and Welfare

Muriel Bamblett

Lisa Kambouris

SNAICC staff: Julian Pocock, Nikki Butler, Tatiana Doroshenko, Veronica Johns, Kathleen Pryor, Kim Werner

## Design, artwork and photography:

Design and lay-out:

Heather Hoare, Pixel City Digital Design (03) 9380 8429

Front cover artwork:

Kahli Luttrell

Children's artwork:

Students of Thornbury State Primary School, Victoria

Other illustrations:

Adapted from Dislocation lino-cut by Lin Onus

Adapted from *Silent Screams... Can You Hear?* by Barbara Cummings 1989

Photographs from Kenny Bedford, Hilary Veale, *ICatching Photography* (Mary Lou Divilli and Maya Havilland) and the SNAICC photographic collection. The copyright for photographs belongs to SNAICC or the individual artist, and are used by SNAICC under agreement with the photographers.

# Contents

---

Foreword	v
Acknowledgments	vi
Using <i>Through Young Black Eyes</i> in your community	vii
Responding to child abuse and neglect – a national overview	viii
<b>Section A: FAMILY VIOLENCE</b>	<b>1</b>
Family violence in Aboriginal and Torres Strait Islander communities	2
Family violence and domestic violence	3
Forms of family violence	4
How does family violence impact on our children?	7
Family violence and children – truth and lies, facts and myths	12
How do we identify children who may be victims of family violence?	15
How can we help to support children who may be victims of family violence?	16
Information for families who may be working through a separation	18
<b>Section B: CHILD ABUSE AND NEGLECT</b>	<b>23</b>
What is child abuse?	24
Forms of child abuse	25
What are the effects of child abuse and neglect?	28
How do we recognise child abuse and neglect?	30
How should we respond if we suspect or know of a case of child abuse or neglect?	34
<b>Section C: CHILD SEXUAL ABUSE</b>	<b>37</b>
What is child sexual abuse?	38
Important facts about child sexual abuse	40
How does child sexual abuse happen?	42
What are the effects of child sexual abuse?	46
How might we recognise child sexual abuse?	48
How should we respond to a suspected or known case of child sexual abuse?	51
How can we help to prevent child sexual abuse?	55

<b>Section D: REPORTING CHILD PROTECTION MATTERS</b>	<b>57</b>
<b>Aboriginal and Islander child and family welfare services</b>	<b>59</b>
Development of Aboriginal and Islander child and family welfare services	
The role of AICCAs in child protection	
Indigenous Child Placement Principle	
<b>Child protection overview</b>	<b>64</b>
Legal responsibility for child protection	
Reporting of child protection matters	
The child protection process	
Notifications, investigations and substantiations	
Diagram of the child protection process	
Care and protection orders and out-of-home care	
Important differences among states and territories	
Changes in child protection policies and practices	
<b>Care and protection orders</b>	<b>70</b>
Children who are need of care and protection	
The Children’s Court	
Types of care and protection orders	
State and territory differences	
<b>Mandatory reporting of alleged child abuse or neglect</b>	<b>73</b>
The National Children’s and Youth Law Centre	
Background to mandatory reporting	
Who is mandated to report?	
Do I tell the family?	
When must I make a report?	
What must I report?	
What are ‘reasonable grounds’?	
What happens next?	
What protection do I have?	
Disclosure of notifier’s identity	
Grounds for disclosure	
<b>Child protection and mandatory reporting legislation</b>	<b>82</b>
List of applicable legislation from each state/territory	
Legislative definitions of when a child is ‘in need of protection’	
Age of consent	
<b>Section E: RESOURCEs AND SERVICES INFORMATION</b>	<b>93</b>
<b>Reporting child abuse and family violence and family helplines</b>	<b>95</b>
Aboriginal interpreting services	
To report child abuse	
Family and kids’ crisis and help lines	

<b>Government departments</b>	<b>98</b>
Government departments responsible for protecting children Commissioners and guardians for children	
<b>Services</b>	<b>101</b>
Aboriginal and Torres Strait Islander family and children's services lead agencies Family violence prevention legal services Women's legal services Aboriginal and Torres Strait Islander legal services National services for child abuse and family violence support and prevention International organisations	
<b>Resources</b>	<b>114</b>
Specialist book providers Educational videos and DVDs Audio resources Strengths-based resources Parenting education programs Recent reports on family violence and sexual assault	
<b>BIBLIOGRAPHY / REFERENCES</b>	<b>126</b>





## Foreword

---

Violence, child abuse and child neglect are not new to Aboriginal and Torres Strait Islander communities, nor are they unique to our communities.

SNAICC has long said that violence is not the way our communities should deal with the anger, frustration and despair that flows from generations of abuse and violence inflicted upon our people through colonisation, dispossession and the removal of our children.

In 1991 SNAICC produced *Through Black Eyes*, a national resource handbook aimed at assisting communities to develop the strength to talk about and respond to domestic violence. In 2002 SNAICC released *Through Young Black Eyes*, focused on the impact on children of family violence, child abuse and neglect. That edition was updated in 2005 and now again in 2007. This new 2007 edition is accompanied by a series of training resources to assist communities develop their own community child safety plans (see page vi overleaf).

On 21 June 2007 the Coalition Federal Government undertook a radical intervention in the Northern Territory, overhauling the land tenure and permit systems and family welfare payments as a response to child abuse in the Northern Territory. SNAICC expressed its doubts at the usefulness of this approach and advocated that governments must take action *with* local Aboriginal communities, not impose actions upon them. But whatever governments do, there are always actions that local agencies, services and communities can take. Children at risk of abuse can't wait until governments get their approach right. *Through Young Black Eyes is about what you can do today*, regardless of what others do. It is about people taking their own action, setting their own standards about what's good for children and what's not, and it's about speaking up to protect children.

Strong families raise strong children who will grow and rebuild strong communities. This is both the lesson of our history and the path to a better future. When governments sought to destroy our communities, they took our children. Now that we have our children with us we must protect and nurture them. This must include protecting them from the devastating impact of family violence and abuse. Undoubtedly the best way to do this is to confront violence and abuse where it exists, uphold the rights of children to grow up in an environment which is free from violence and turn to – not against – each other and heal those that may be or have been perpetrators of violence.

For the 2001 National Aboriginal and Islander Children's Day SNAICC adopted the theme: *We are watching and learning from you – make us proud of all you do*. That is the challenge that Aboriginal and Torres Strait Islander children present to the rest of their community. Will your children be proud of you if you neglect or harm them? Will they be proud of you if you beat those you love or will they be proud of you if you resolve family disputes with violence?

Children need to be proud of the people around them to be proud of their culture and proud of who they are – Australia's Aboriginal and Torres Strait Islander people. Confronting family violence, child abuse and child neglect with honesty and commitment will make our children prouder, stronger and happier – it will make them safe. SNAICC hopes that this handbook assists in achieving that goal.

**Muriel Bamblett, AM**

SNAICC Chairperson

## Acknowledgments

The authors and SNAICC would like to pay tribute to the following organisations and individuals for their contribution to the development of this handbook over the last three editions. Thank you.

### **Aborigines Advancement League**

### **Australian Institute of Family Studies**

### **Central Australian Aboriginal Media Association**

### **Darebin Community Legal Centre**

### **Domestic Violence and Incest Resource Centre**

Helen McDonald  
Ann Raouf

### **Domestic Violence Resource Centre, Qld.**

### **ECPAT / Childwise**

### **Education Centre Against Violence**

Melva Kennedy  
Pat Smith

### **National Association for the Prevention of Child Abuse and Neglect**

### **National Children's and Youth Law Centre**

James McDougall  
Marie Hennessy  
Helen Burrows  
Louis Schetzer  
Jacqui Houston

### **National Child Protection Clearinghouse**

### **Northland Secondary College**

Khali Luttrell  
Lyn Thorpe

### **Office of Women's Policy NT**

### **Partnerships Against Domestic Violence, Office of the Status of Women**

### **Paul Memmott and Associates**

Sandy Taylor

### **SNAICC members**

Muriel Bamblett – Victorian  
ACCA  
Connie Newcombe – Birrelee  
MACS  
Virginia Mayo – Central  
Australian AICCA  
Melissa Cavenett

### **Thornbury Primary School**

Delta Vidler  
Grant Hood

### **Torres News**

Jaki Gothard  
Hilary Veale

### **Victorian Aboriginal Community Services Association**

Alf Bamblett  
Tracy Williams

### **Victorian Aboriginal Education Association Inc.**

### **Victorian Aboriginal Youth Sport and Recreation**

Gavin Brown  
Fiona Kennedy

### **Wirringa Baiya Aboriginal Women's Legal Service**

Cleonie Quayle

### **Individuals who provided advice or support:**

Harry Blagg  
Dianne Halloran  
Leah Bromfield  
Beth Guy  
Jacqui Hancock  
Steve Butler  
Dianne Halloran  
Pam Simmons  
Malcom Gollan  
Barbara Kelly  
Winsome Matthews  
Lorraine Patten  
Simon Raynor  
Prue Holzer  
Amanda Theophanus  
Jacinta Tobin  
Maureen Watson  
Meg Worby  
Frank Yamma

## Using *Through Young Black Eyes* in your community

---

Previous editions of *Through Young Black Eyes* have proven to be a much needed and sought after resource. Professionals and community groups have found it particularly useful for running community workshops about:

1. What is family violence?
2. What is child abuse and neglect?
3. What is child sexual abuse?
4. What people can do to help develop a child-safe community and where to go to get information and support.

To assist communities and organisations to develop better ways to combat family violence and child abuse, SNAICC has developed additional workshop resources based around these four themes from *Through Young Black Eyes*. These resources are:

- *Through Young Black Eyes – a guide to help community leaders protect children from family violence and child abuse* (2007)
- A community leaflet *Keep Your Family Safe?* (2007)
- *A Facilitator's Guide* – providing information on how to run a workshop on family violence, child abuse and neglect for Aboriginal and Torres Strait Islander participants;
- PowerPoint presentations on the four themes;
- Workshop participant's workbooks on the four themes;
- A CD with all of the *Through Young Black Eyes* workshop materials in electronic format which you can print off, or edit to suit your own community's needs.

This information is all available electronically through the SNAICC website or can be ordered in hardcopy online at [www.snaicc.asn.au](http://www.snaicc.asn.au)

We encourage you to use all the resources attached to *Through Young Black Eyes* to achieve safety for our babies, children and young people.

# Responding to child abuse and neglect

## A national overview

SNAICC has produced this handbook to assist families and communities to combat family violence, child abuse and child neglect and to respond effectively where abuse and neglect may have occurred. However these issues cannot be fully dealt with at the local community level. At state, territory and national levels, governments need to rethink the ways they respond to child abuse and neglect.

SNAICC has published various reports and briefing papers advising governments on what else needs to be done to protect children from abuse and neglect, arguing over many years that high levels of poverty, unemployment, substance abuse, family breakdown and inadequate housing contribute significantly to child neglect and abuse.

SNAICC's policy and advocacy work in this area has included:

***Through Black Eyes – Responding to Domestic Violence in Aboriginal and Torres Strait Islander Communities*** 1991 and 1992 – a handbook to assist workers in the field and community leaders to identify and respond to family violence. Over 20,000 copies were distributed – *Through Black Eyes* was one of the first publications to encourage communities to take responsibility for family violence.

***A National Action Plan for the Prevention of Child Abuse in Aboriginal Communities*** 1995

**Prime Minister's National Aboriginal Family Violence Roundtable** July 2003

SNAICC attended the summit of Aboriginal and Torres Strait Islander leaders convened by the Prime Minister to discuss the issue of domestic violence in our communities. The Prime Minister indicated he wanted to: "talk to those who are providing community leadership in addressing the tragic consequences of the abuse of Indigenous women and children."

***State of Denial – the Neglect and Abuse of Indigenous Children in the Northern Territory*** 2003

SNAICC researched and published *State of Denial* a comprehensive review of the Northern Territory (NT) child protection system, which documented a systemic failure to respond to child abuse and neglect. The report found that where abuse was reported, there was often no effective response from child welfare authorities and that community-wide poverty, homelessness and dispossession severely limited the capacity of families to meet their children's needs.

***A Briefing to the Commonwealth, State and Territory Governments*** published in 2006 and 2007 on the development of a national action plan and a national Indigenous children's wellbeing and development taskforce to prevent, and respond to, child abuse and neglect.

SNAICC believes that recommendations from the above SNAICC reports and from the *Bringing Them Home* report on the reform of child protection laws and support for self-determination need to be implemented.

The underlying systemic causes of child abuse and neglect need to be dealt with, as opposed to simply removing children where they are at risk or the victims of abuse or neglect. Protecting children – through placing them with other members of their Aboriginal and Torres Strait Islander family – is at times both necessary and appropriate, but it is not enough.



## Over-representation of Aboriginal and Torres Strait Islander children in child protection

- From 1999–2000 to 2005–06, the rate of children on care and protection orders increased for both Aboriginal and Torres Strait Islander and for non-Indigenous children in all states and territories. (OID 2007) Some of this increase reflects changes in child protection policies and practices in jurisdictions. It could also reflect the increased public awareness of child abuse (AIHW 2005–06).
- The rate of Aboriginal and Torres Strait children in out-of-home care is over seven times the rate of other children (AIHW 2005–06). Almost 30 out of every 1000 Aboriginal and Torres Strait Islander children aged 0–17 were on care and protection orders at 30 June 2006, compared to 4.5 per 1000 non-indigenous children (OID 2007).
- 70% of all female Aboriginal and Torres Strait Islander prisoners in New South Wales jails have suffered from sexual abuse as children (NSW Aboriginal Child Sexual Assault Taskforce 2006).

## Factors contributing to the incidence of child abuse and neglect

The high rate of substantiated child abuse and child neglect among Aboriginal and Torres Strait Islander children arises due to the prevalence of causative factors within Aboriginal and Torres Strait Islander communities. The Australian Institute of Health and Welfare (AIHW 2000) notes these factors as being:

- Poverty
- Low socio-economic status
- Differences in child-rearing practices
- Inter-generational effects of previous separations

There is also an over-representation of children from sole-parent families in the child protection system in both Aboriginal and Torres Strait Islander groups and non-Indigenous groups as sole-parent families are more likely to be financially stressed, live in poor housing and suffer from social isolation (AIHW 1999).

As noted in the Human Rights and Equal Opportunity Commission *Inquiry Into The Separation Of Aboriginal and Torres Strait Islander Children From Their Families* and the resulting *Bringing Them Home* report, the forced removal of Aboriginal and Torres Strait Islander children took place in all states and territories.

*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 1997)

In 1995, SNAICC was commissioned by the federal government to prepare a national plan for the prevention of child abuse and neglect. SNAICC carried out consultations with Aboriginal communities in rural, remote and urban areas following the preparation and distribution of a national discussion paper. A separate plan was developed which focused on Torres Strait Islander communities.

These consultations identified issues which were seen by Aboriginal communities as contributing factors 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 1995 SNAICC National Action 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.*

*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.*

Responding to child abuse and child neglect without addressing the underlying issues related to family and community well-being, makes no long-term difference to the situation.

### **Distinguishing child abuse from child neglect**

Typically, child abuse and child neglect are discussed and reported in the media and elsewhere as though they are the same. They are not.

Child abuse typically involves the willful and deliberate harming of children at the hands of perpetrators who may themselves have been victims of abuse, separated from family and suffered great emotional trauma in their own lives.

Child neglect typically arises where parents and families, despite their best efforts, are unable to provide for their children in a material sense due to family poverty, unemployment, poor housing and family stress.

The major contributor to the over-representation of Aboriginal and Torres Strait Islander children in the child welfare system and out-of-home care is child neglect – not child abuse. In fact, an Aboriginal or Torres Strait Islander child who has been removed from home is less likely to have been abused than a non-Indigenous child. Poverty and disadvantage are the major cause of child removal from Aboriginal and Torres Strait Islander families – not inappropriate parenting or the abuse of children.

Whilst a vigilant focus on responding to child abuse must be maintained, equal emphasis needs to be placed on providing the additional support required by families living in poverty to better care for their children, rather than government authorities limiting their role to remove a children after abuse has occurred.

## Conclusion

An Aboriginal or Torres Strait Islander child is around seven times more likely to be in the child protection system than a non-Indigenous child, but four times less likely to have access to a federal, state or territory funded childcare, early childhood or preschool service. This simple fact says a lot about what is, and is not, happening for Aboriginal or Torres Strait Islander children.

Australia currently has no on-going mechanism that brings all governments and Aboriginal and Torres Strait Islander representatives together to plan long-term solutions to child abuse and neglect. Despite the over-representation of Aboriginal and Torres Strait Islander children in child protection, no government has a specific policy objective to lower the rate at which Aboriginal and Torres Strait Islander children are removed from their families for welfare related reasons. Funding in relation to child welfare remains mainly directed towards the removal and placement of children once family breakdown has occurred, rather than towards family support to prevent the need for children to be removed.

**SNAICC considers that governments at all levels, including the Commonwealth, must commit to this most basic of policy objectives – to reduce the number of Aboriginal and Torres Strait Islander children in the care and protection system.**

Pursuing the rights of Aboriginal and Torres Strait Islander children and families remains SNAICC's core mission and, as highlighted above, there is much to be done.

### Children aged 0–17 years on care and protection orders: 30 June 2006

State/territory	Number of children			Rate per 1,000 children			Rate ratio Indigenous:other
	Indigenous	Other	Total	Indigenous	Other	Total	
New South Wales	2 409	6 804	9 213	37.2	4.5	5.8	8.3
Victoria	740	5 244	5 984	56.4	4.6	5.1	12.4
Queensland	1 667	4 779	6 446	26.7	5.2	6.5	5.2
Western Australia	798	1 248	2 046	25.8	2.7	4.2	9.5
South Australia	378	1 293	1 671	31.8	3.9	4.8	8.2
Tasmania	125	708	833	15.2	6.5	7.1	2.3
Australian Capital Territory	100	758	558	53.3	6.2	7.4	8.6
Northern Territory	303	134	437	12.2	3.8	7.3	3.2
Australia	6 520	20 668	27 188	29.9	4.5	5.6	6.7

From: *Overcoming Indigenous Disadvantage Key Indicators 2007* sourced from AIHW *Children on Care and Protection Orders*, Australia data collection. Table 9A.1.2. The table includes 17 years olds, therefore the rates per 1000 children may appear lower than in some other tables. (Many similar tables are based on children 0–16 as there a few cases in the 17 year old age group.)